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ADVISORY COUNCIL FOR ITALY, MINUTES OF MEETINGS
MAY 1946 – JAN. 1947

0446

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802/CC

Form 703 (Old No. 400)
July 30, 1918

Office of the
Chief Commissioner

LIST OF PAPERS

File under No. 802 ADVISORY COUNCIL FOR ITALY
MINUTES OF MEETINGS

ALLIED COMMISSION

From: 3 Jul 46
To :

SECRET

Vol. III Page 3

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
121	Ltr Secretariat	19 Nov 46	CC	Agenda of 59th Meeting
122	Ltr Secretariat	21 Nov 46	CC	Minutes of 58th Meeting
123	Memo Carr	22 Nov 46	CC	Restitution of Jug Property
124	Memo			Statement by Smodlaka re extradition of alleged WC
125	Memo Hind-Smith	26 Nov 46	Navy S/C	Request info for reply to Jug Rep queries at ACI Meeting
125a	Ltr. Secretariat	10 Dec 46	CC	Preliminary draft of Mins of 59th Meeting
126	Ltr 802/100/EC	12 Dec 46	Dr. Smodlaka	Re questions raised by Smodlaka at ACI meeting
127	Ltr Secretariat	17 Dec 46	CC	Agenda to 60th Meeting
128	Ltr Secretariat	19 Dec 46	CC	Minutes of 59th Meeting 1959
128a	Ltr Carr	9 Jan 47	CC	Re political summary formerly printe in AC weekly bulletin
129	Memo			Statement by Smodlaka at 60th Meeting
130	Press Communique			Holding of 60th Meet of ACI
131	Ltr CC 802	15 Jan 47	AFHQ	Frwd of minutes of ACI meeting
132	Ltr Sec ACI	15 Jan 47	CC	Min of 59th meeting, notification of meeting and agenda
133	Memo Smodlaka	17 Jan 47	CC	Statement made by Smodlaka at ACI meeting

Instructions.—When papers on a subject become numerous, they should be numbered serially and brief entries made on this form.

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U. S. National Archives (Old No. 400)
Date July 28, 1958

LIST OF PAPERS

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Office of the
Chief Commissioner

ALLIED COMMISSION

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File under No. 002 ADVISORY COUNCIL FOR ITALY
MINUTES OF MEETINGS

From: 03 Jul 46

SECRET

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
109	Ltr 725/22/GC	23 Aug 46	Min of For Affs	Issue of Jug passports by Vinecki
110	Ltr 725/23/GC	23 Aug 46	AFHQ G-5	Passports issued by Vinecki declared invalid; Encl ltr fm Smith
111	Ltr Sec	27 Aug 46	CC	Agenda of 56th Meeting
112	Ltr Secretariat	26 Sep 46	CC	Mins of 56th Meeting
113	Ltr Secretariat	24 Sep 46	CC	Agenda of 57 Meeting
114	Statm Yugo Deleg	14 Oct 46	SACMED	Statm Yugo Deleg re WC
115	Memo	22 Oct 46	CC	Notification of 58 meeting of ACI
116	Memo	23 Oct 46	CC	Frwd of mimutes of 57 meeting of ACI
117	Memo Corr	25 Oct 46	CC	Re ships in It poss previously belg to United Nations
118	Press communique	25 Oct 46	CC	Re 58th meeting ACI
119	Cbl 5307 CC	25 Oct 46	AFHQ G-5; GHQ CIT	Extradition of It WC
120	Ltr G-5 912.23-1	25 Oct 46	CR ACI	Restitution of Jug Prop by It Gvt

1958

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0448

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U. S. C. Form 583 (Old No. 40)
Revised July 28, 1918

LIST OF PAPERS

Office of the
Chief Commissioner

ALLIED COMMISSION

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MINUTES OF MEETINGS

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
98	Ltr Secretariate	3 Jul 46	CC	Frwdng of Mins of 53rd Meet of ACI
99	Ltr Sec	5 Jul 46	CC	Agenda of 54th Meeting
100	Ltr Sec	6 Jul 46	CC	Frwdng of ltr fm SACMED ack receipt of Minutes of 53rd Meeting
101	Ltr 5609/262/EC	9 Jul 46	Secretary ACI	Jug Piratical Activities; Incl ltr fm EC (Also Secretariat frwdng ltr
102	Ltr Smodlaka	9 Jul 46	Morgen	Frwdng of ltr re latest Jug claims re restitution of Jug shipping
103	Ltr Macledo	12 Jul 46	Smodlaka	Ack of Smodlaka's ltr to Morgen
104	Ltr 5609/265/EC	17 Jul 46	Sec Gen ACI	Jug seizure of 1857 fishing boats
105	Ltr Sec	26 Jul 46	CC	Minutes of 54th Meeting
106	Ltr Allen Low	30 Jul 46	Hq A.C.I.	Facilities for A.C.I. & Foreign Military Missions
107	Ltr Sec	2 Aug 46	CC	Agenda for 55th Meeting
107a	Minutes	2 Aug 46		Mins of 55th Meeting; Incl ltr
108	Ltr Rively	13 Aug 46	SACMED Sec AFHQ	Trnsmtl of Correspondance; Inc ltr

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

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E.C.

Statement
of Guardiola
at FAC meeting
today

No return.

M. Eng
cc

7/11/47

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1956

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unfavourable, tortured and also in the cases, he used to order torturing and beating of the arrested persons personally in order to get out of them informations about the organization and the work of the patriots. He used to strip gold teeth from mutual bodies of his victims and it is well known that he took some gold cubes out this material and he brought the cubes in Italy and is still in possession of the or three cubes. He living at present in Eboli.

[illegible] Israel, ex-Yugoslav General Staff, during the war was [illegible] and in [illegible] he organized signals of communication to fliers by the Yugoslav royal army radio fliers. Members of the [illegible] especially the fighters of the Yugoslav [illegible] were classified and the Yugoslav radio fliers [illegible] themselves willing to put themselves [illegible] under Hitler's orders, requesting to be sent into Serbia in order to fight against the national liberation army. In connection with the petition [illegible] was released from the prisons of Regina Coeli transferred to Caserta, where on account of the services he had rendered the chief of cabinet in the Italian royal Government of the General [illegible] Italo. In this capacity he worked for the interests of the Yugoslav warfare, enforcing [illegible] of agricultural products in villages for supplies of the German army, export of various products [illegible] Germany and persecutions of citizens who refused to [illegible] authorities everywhere. In fact, following an agreement [illegible] Italo [illegible] he was transferred to the Yugoslav headquarters. There he organized and directed fighting of partisans and Germans on the Drina front, at war that he was sent to Serbia, where he united the forces called for Italo Mihailovic. Finally, in May 1945, before the very capitulation of Germany, Mihailovic [illegible] his forces on the Drina front [illegible] (Fiume) and Gen [illegible] and thus defended the retreat of the German forces from Italy to Austria. A special chapter of his history would consist of telling about the killing, arresting and arson made by his soldiers under his command.

1955

[illegible], ex-Yugoslav General Staff, after the Italian capitulation of Jovanik he organized the so called "Blue Card" ("Iova Karta") and was the chief coordinator of Iran [illegible] for Jovania. From [illegible] he permanently was the commander in chief of these formations and fought together with the Italian fascist regiment across against the National Liberation Movement (the national liberation army). Under his command a great many people were arrested and sended over to the Italians, who tortured them and detained them in concentration camps, particularly in the city of Somara. His most cruelties or [illegible] consisted in organizing the intelligence service for the Italian fascists. All informations about persons to be arrested, interned etc. and notes about to perform such acts were received and transmitted to the Italian fascists.

The Yugoslav Government requested individually the surrender of Yugoslav traitors at present in Italy from the British foreign office and from the Caste Department. The Governments of the United Kingdom and of the United States agreed upon sending over of a considerable number of these traitors and gave instructions to [illegible] to surrender the traitors to the Yugoslav Government, but the Allied

Military

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military authorities in Italy have handed over to the Jugoslav Government only a few of these traitors.

All activities of the Jugoslav Government through London and Washington and of this delegation to the Allied authorities in Italy remained without result. It was implied to us that a great number of traitors have not been handed over to the Jugoslav Government, because it was impossible to find them. The Allied authorities refused however to give explanation to a Jugoslav Legion to come here in order to collaborate with the Allied military authorities in finding whereas who it has hitherto been impossible to trace. Despite various steps of our delegation offering co-laboration in these matters (in January, August and October 1954).

The non-accomplishment of the surrender of these traitors and the above mentioned refusals to collaborate with the Jugoslav authorities in Italy in matters of extradition of our officials shows that the Allied military authorities in Italy do not wish to comply with the decisions about the extradition of traitors to Jugoslavia and the interests of the United States as the United Nations and the Jugoslav Government.

It is impossible for Italy to accept traitors placed in a semi-internment camps by the Italian Government. The British foreign office in their note No. A/2/2/1 dated July 7, 1954, forwarded the Jugoslav memorandum that amongst those arrested at present living in displaced persons camps, the remaining supporters in Italy are now awaiting the satisfaction of the Italian Government, one day prison who is not in one of these camps will be arrested and handed over to the Italian authorities". The same thing the Jugoslav Government by the Italian authorities. The same thing was announced to us by the Allied Commission in their letter as. (C.A.C.O. 21 September 1954, stating that "the power to arrest in Italy, also with the Italian Government".

But the Italian Government is not only authorized to surrender traitors, it is also its duty to do so as soon as the Jugoslav Government has requested from the Allied the extradition and surrender of the said traitors. In terms of Art. 16 of the Italian Peace Treaty Italy will undertake to cooperate in the apprehension and surrender to Jugoslavia of persons who are in Italy will undertake to cooperate in the apprehension and surrendered. She also fully corresponds to Art. 16 of the Italian Peace Treaty according to which Jugoslav traitors have to be arrested and surrendered. It is the duty of Italy to take sure that Italy should comply with the treaties as in as much as the power of extradition in fact has been given to the Italian Government. It must be noted that the Jugoslav Government demanded that Jugoslav traitors be arrested and it is the duty to take necessary steps, if necessary even through the Italian Government in order to have the traitors surrendered and surrendered to the Jugoslav Government.

Since neither the Italians are surrendering to us Jugoslav traitors, this shows that Italy did not take any arrangements at all with the Italian Government for extradition and surrendering of Jugoslav traitors by the Italians.

1954

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3. Though, not only must the Allied and the Italian authorities have not arrested the Yugoslav traitors, but they allowed by the lack of a vigilant control that many Yugoslav traitors and well known war criminals left Italy and sailed to the overseas countries. On December 1, 1952 from Genova one of December 1, 1952, from Venice, aboard the Italian ... "Andrea Gritti", among some more than 1,000 Yugoslav emigrees. Among others there were for example: the Ustashi minister Mr. Jelenic, one of the closest collaborators of the Croat Ustasha leader Pavelic, the Ustashi minister Mr. Vilenica Ivan, the Ustashi minister Mr. Ante Vukic, the Ustashi General Ante Vokic, a Nazi SS III Reich General Staff officer from the "Prinz Eugen" battalion, even Nazi from the "Handzar" division.

Ljotic, well known collaborationist of the Germans since 1941, a high Ustashi official [illegible] and many others. The excuses for the journey of the Yugoslav war criminals who have left for overseas countries were told by the "Intergovernmental Committee on Migration", whereas the only view to such cruise was procured to most of them by the Italian "Caritas Catholica". This case shows that these two Italian bodies enable Yugoslav traitors, collaborationists and war criminals, who should be apprehended and surrendered to the Yugoslav authorities, to leave Italy and to go to the overseas countries where their prosecution will be very much difficult.

The Yugoslav delegation protests categorically against the proceeding of the responsible Allied and Italian authorities who allowed that on the 1st December 1952, the above mentioned Yugoslav traitors and war criminals left Italy, instead of being apprehended and surrendered to the Yugoslav authorities;

(2) against the non accomplishment of the resolution taken towards Yugoslavia because Yugoslav traitors are not being apprehended and surrendered to the Yugoslav authorities.

1953

4. Such proceeding of the Allied and Italian authorities in Italy is also in contradiction with the recent resolution of the meeting of the United Nations organization, stating the importance of the work done up to date in finding out and surrendering of war criminals, and inviting the interested states to give their assistance in dealing with this problem.

5. With reference to the foregoing I propose that the Advisory Council may advise to decide to take urgently necessary steps in order that Yugoslav traitors actually in Italy be apprehended and surrendered to the Yugoslav Government and that any further escaping of Yugoslav traitors from Italy be made impossible, especially their emigrating in the overseas countries. Council may make arrangements for this purpose also with the Italian Government.

0455

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[illegible]

[illegible], January 15, 1947

"In connection with the order to conduct a search [illegible]

action at the request of the sixtieth meeting of the Advisory

Council for Italy.

[illegible]

[illegible] of this meeting.

Box 1952

1952

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome

(190)

0456

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A G E N D A

OF THE JANUARY 17, 1947 MEETING

OF THE

ADVISORY COUNCIL FOR ITALY

* * * * * *

60th Meet.

I

1.) DISCUSSION OF ITALIAN POLITICAL EVENTS

(The Chief Commissioner of the Allied Commission will be invited to attend)

II

2.) "STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING BYELORUSSIAN-ARGE OF PROVISION OF FUNDS BY THE COMBINED CHIEFS OF STAFF TO THE SOVIET DELEGATION AND REIMBURSEMENT FOR MUST ADVANCED".

III

3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE JUGOSLAV SUNKEN SHIPS, WHICH SHOULD BE SALVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

IV

4.) "EXTRADITION TO THE JUGOSLAV GOVERNMENT OF ITALIAN WAR CRIMINALS LISTED BY THE UNITED NATIONS WAR CRIMES COMMISSION ON REQUEST OF JUGOSLAVIA".

5.) "HAND OVER TO THE JUGOSLAV GOVERNMENT OF JUGOSLAV PATRIOTS ACTUALLY IN ITALY".

1951

V

6.) MISCELLANEOUS.

VI

7.) PRESS COMMUNIQUE.

* * * * *

(1-2)

0457

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, January 24, 1947

The next meeting of the Advisory Council for Italy, scheduled for January 27, 1947, 1030 hours, will be held at Palazzo Farnese under the chairmanship of the French Representative ad. int. on the Council.

Enclosure:

Agenda of 81st Meeting.

1950

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome

PRELIMINARY DRAFT OF THE
MINUTES OF THE 60th MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Monti dei Parioli 24, on December 20, 1946 under the chairmanship of Dr. Sloven J. Smodlaka, the Jugoslav Representative s.i. on the Council. Present at the meeting were:

Dr. Sloven J. Smodlaka	Jugoslavia
M. Cedomil Veljacic	
M. Georges Balay	France
M. Pierre Sebilleau	
M. Constantin Vatikiotty	Greece
M. Constantin Himarios	
Colonel V.V. Savko	Soviet Union
Lt. N.M. Geegalin	
Mr. John C. Ward	United Kingdom
Mr. H.A.R. Hankey	
Mr. John L. Goshie	United States

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Dr. Sloven J. Smodlaka, opened the meeting and thanked Admiral Stone for attending it. He then inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

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1949

M. Pierre Sebilleau

M. Constantin Vatikiotty M. Constantin Himmrios	Greece
Colonel V.V. Savko Lt. N.M. Geegelin	Soviet Union
Mr. John G. Ward Mr. M.A.A. Hankey	United Kingdom
Mr. John L. Goshie	United States

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be solved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Dr. Steven J. Smodlaka, opened the meeting and thanked Admiral Stone for attending it. He then inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

I

1. Discussion of Italian Political Events.

Colonel Savko asked whether the Admiral had any information on the status of the election of the mayor of Rome.

Admiral Stone replied that his information was limited to that which was published in the local press.

Dr.

1949

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Dr. Smodlaka referred to the December 9, 1946 bulletin of the Allied Commission, in which it was stated that, as of November 30, 1946 the number of displaced persons in camps under control of the Allied Commission totalled 10,628, of which Jugoslavs constituted the largest number. He inquired whether he could obtain a breakdown by nationality of this total, together with an indication of the location and designation of the camps.

Admiral Stone said that he would be grateful if the Jugoslav Representative would let him have a memo on this subject so that he could transmit the request to AMG.

The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did, he thanked Admiral Stone for his courtesy in attending the meeting.

II 2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any Representative wished to make any comments.

Mr. Ward stated that he had reported to London that his Delegation had received a request for the reimbursement of funds advanced by the Allied Financial Agency and that he had recommended to the Foreign Office that authority be granted to make the requested reimbursement. He pointed out that the decision lies in London but that he felt that the account should be settled.

Dr. Smodlaka read the following statement:

"With reference to the Art. 35 and 36 of the Armistice Terms I have the honour to state that the Jugoslav Delegation stands firm on the unanimous decision of the Advisory Council for Italy, taken on April 8, 1944, on proposal of the U.S. Representative, that the administrative expenses of the Delegations and of the Secretariat have to be charged to the Italian Government.

All the money received by the Jugoslav Delegation from the Allied Financial Agency was spent on account of the administrative expenses of the Delegation made until November 1, 1946. 1948

Since the Italian Government is bound to refund all administrative expenses, the Jugoslav Delegation considers to be entitled to the reimbursement of all administrative expenses made since Nov. 1, 1946 as well as of the expenses that will be made until the end of the work of the Advisory Council for Italy, and of such disbursements that the Jugoslav Delegation might still have to make in future for its administrative expenses due for the period prior to November 1, 1946.

The Jugoslav Delegation, therefore, not only does not consider

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The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did, he thanked Admiral Stone for his courtesy in attending the meeting.

II 2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any Representative wished to make any comments.

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Dr. Smodlaka read the following statement:

"With reference to the Art. 35 and 36 of the Armistice Terms I have the honour to state that the Jugoslav Delegation stands firm on the unanimous decision of the Advisory Council for Italy, taken on April 2, 1944, on proposal of the U.S. Representative, that the administrative expenses of the Delegations and of the Secretariat have to be charged to the Italian Government.

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Since the Italian Government is bound to refund all administrative expenses, the Jugoslav Delegation considers to be entitled to the reimbursement of all administrative expenses made since Nov. 1, 1945 as well as of the expenses that will be made until the end of the work of the Advisory Council for Italy, and of such disbursements that the Jugoslav Delegation might still have to make in future for its administrative expenses due for the period prior to November 1, 1945.

The Jugoslav Delegation, therefore, not only does not consider itself obliged to reimburse the received money but it reserves the right to request in due time the full reimbursement of all administrative expenses made since the beginning until the end of the work of the Advisory Council for Italy."

M. Baley made the following statement:

(Inasmuch as this statement was circulated, it will be included in final draft of the minutes)

Mr. Goshie stated that the position of the United States Delegation on the subject under discussion remained the same as outlined to the Council at the 50th meeting held on March 15, 1946.

M.

Declassified E.O. 12356 Section 3.3/NND No. 837043

M. Vasiliotty stated that the position of his Delegation was indicated in the letter which the Greek Delegation sent to the Allied Financial Agency on December 13, 1945. (Copy of letter attached as Appendix #1) and that, briefly, the Greek Delegation holds the view that no reimbursement of advanced funds is due since the advances must be borne by the Italian Government pending final settlement of the matter between the United Nations and Italy.

Colonel Savko stated that he considered that all Allied funds advanced to his Delegation were for administrative expenses and that these they were not obliged to reimburse. He stated that the official position of his Delegation had been expressed by General Vasiliev at previous meetings. He added that he thought the Italian Government was obliged to continue to advance funds to the Delegations of the Advisory Council and is liable for all administrative expenses of the Soviet Union Delegation not only for the period ending November 1, 1945 but also for the subsequent period up to the actual conclusion of the work of the Advisory Council for Italy.

There were no further comments and the Chairman ascertained that the Council wished to include this item on the agenda of the next meeting.

III 3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships which should be salved and repaired at the Expenses of the Italian Government".

Admiral Stone reported that the proposed reply of SACMED regarding this item had been drafted and was now before SACMED for signature. He stated that the reply would presumably be despatched during this week and should reach the Council sometime during the next week.

Dr. Smodlaka presented the following statement:

"1. With reference to our request for restitution of looted Jugoslav property by the Italians, I am inform the Council that recently the following vessels have been restituted to the Jugoslav authorities:

(a) Trawler Nr.2 (Arbe) (item no. 15, page 2 of our list submitted to the Council) 1947

(b) Trawler Nr.4 (Juno) (item no. 16, page 2)

(c) Tugboat SUSANA (Cara) (item no. 17, page 2)

All these three vessels were previously used by the Italian Ministry of Public Works.

Furthermore, the following two vessels are in course of being restituted:

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that these they were not obliged to reimburse. He stated that the official position of his Delegation had been expressed by General Vasiliev at previous meetings. He added that he thought the Italian Government was obliged to continue to advance funds to the Delegations of the Advisory Council and is liable for all administrative expenses of the Soviet Union Delegation not only for the period ending November 1, 1945 but also for the subsequent period up to the actual conclusion of the work of the Advisory Council for Italy.

There were no further comments and the Chairman ascertained that the Council wished to include this item on the agenda of the next meeting.

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Dr. Gavrilaks presented the following statement:

"1. With reference to our request for restitution of looted Jugoslav property by the Italians, I can inform the Council that recently the following vessels have been restituted to the Jugoslav authorities:

(a) Trawler Nr.2 (Arbe) (item no. 15, page 2 of our list submitted to the Council) 1947

(b) Trawler Nr.4 (Juno) (item no. 16, page 2)

(c) Tugboat MOJANA (Mara) (item no. 17, page 2)

All these three vessels were previously used by the Italian Ministry of Public Works.

Furthermore, the following two vessels are in course of being restituted:

(d) Motor launch BUDIMIR (item no. 13, page 2)

(e) Motor launch VILA (Vinfu) (item no. 14, page 2).

2. As other Jugoslav property is concerned, the restitution of the materials from the Jugoslav warships BEOGRAD and LJUBLJANA is in course whereas, as far as other items are concerned, we have not received any definite positive reply. It is particularly considered that there should be no reason why Italy should not restitute without delay the following items:

(a)

(129)

0463

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(a) Machines from the Tobacco Factory in Ljubljana (item 1, page 4). In this case the Industries and Utilities Branch, A.C.A.C., refused any further liaison for us (Ref. AC/8632/FUD of 30 July 46).

(b) Valuable papers of the "Dravska Hipotekarna Banka" (item no. 9, page 4).

(c) Values taken from the "Dragogorska banka, Cetinje". Restitution requested in our letter Nr.1151/46 of 8 August 46.

3. I hope that the Allied authorities in Italy will take further steps for the restitution of all Jugoslav property and particularly of the items mentioned above under para 2, a-c."

Admiral Stone inquired whether the Jugoslav Representative drew a distinction between the terms "restitution" and "handing over".

Dr. Smodlaka stated that he did not understand the Admiral's question.

Admiral Stone stated that, as he used these terms, "restitution", for example, of ships, implied return in operating condition and that the strict interpretation of the term "handing over" was return in actual condition.

Dr. Smodlaka, with reference to his statement presented at today's meeting, pointed out that the 9 tobacco machines mentioned under paragraph 2 (a) of his statement, were in possession of the Italian Government which was using these machines and that he failed to understand why they refused to hand them back to the Jugoslav authorities.

There was no further discussion and the Council agreed to include this item on the agenda of the next meeting.

IV 4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

The Chairman inquired whether any Representative wished to make any comments.

1946

Mr. Ward, with reference to the statement made previously by the Jugoslav Representative to the effect that the Allied authorities were currently arresting alleged war criminals, stated that he had made inquiries and understood that this was not the case. He said that in cases where the British authorities desired the apprehension of alleged war criminals, the British authorities requested the Italian authorities to arrest such persons. He stated that trials of some of such persons had taken place. In other cases not yet tried, the British authorities had asked the Italian Government to hold the persons involved in prison pending further investigation.

Dr. Smodlaka made the following statement:

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3. I hope that the Allied authorities in Italy will take further steps for the restitution of all Yugoslav property and particularly of the items mentioned above under para 2, a-e."

Admiral Stone inquired whether the Yugoslav Representative drew a distinction between the terms "restitution" and "handing over".

Dr. Smodlaka stated that he did not understand the Admiral's question.

Admiral Stone stated that, as he used these terms, "restitution", for example, of ships, implied return in operating condition and that the strict interpretation of the term "handing over" was return in actual condition.

Dr. Smodlaka, with reference to his statement presented at today's meeting, pointed out that the 9 tobacco machines mentioned under paragraph 2 (a) of his statement, were in possession of the Italian Government which was using these machines and that he failed to understand why they refused to hand them back to the Yugoslav authorities.

There was no further discussion and the Council agreed to include this item on the agenda of the next meeting.

IV 4. "Extradition to the Yugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Yugoslavia".

The Chairman inquired whether any Representative wished to make any comments.

1946

Mr. Ward, with reference to the statement made previously by the Yugoslav Representative to the effect that the Allied authorities were currently arresting alleged war criminals, stated that he had made inquiries and understood that this was not the case. He said that in cases where the British authorities desired the apprehension of alleged war criminals, the British authorities requested the Italian authorities to arrest such persons. He stated that trials of some of such persons had taken place. In other cases not yet tried, the British authorities had asked the Italian Government to hold the persons involved in prison pending further investigation.

Dr. Smodlaka made the following statement:

"In connection with the statement of the British Representative I would like to quote some examples of the Allied Military Courts having tried and sentenced recently, in October and November 1946, in Italy, on the territory under jurisdiction of the Italian Government, Italian citizens for war crimes committed against the Allies. Thus, the Allied Military Court in Florence tried on October 4, 1946 the Italian General Mario Carlone, Capt. Italo Simonetti and Ste Benedetto Pilon, and the first was absolved, the second was sentenced to death penalty and the third to lifelong prison. Furthermore, the

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same Military Court sentenced to imprisonment Pietro Nagi on 31 October 1946 and, on 7 November 1946, absolved Lt.Col. Giulio Oldani. If it is considered necessary to have more information on this subject, the Advisory Council for Italy may, with reference to para 5 of the Moscow Resolution, request detailed information from SACMED".

Mr. Hurt noted that Dr. Smodlaka referred to Allied Military Courts and inquired whether Dr. Smodlaka knew the composition of the Courts involved.

Dr. Smodlaka stated that he did not but suggested that the Council could obtain this information from SACMED.

Admiral Stone remarked that he thought the particular Court mentioned was a U.S. Tribunal.

Dr. Smodlaka continued his statement as follows:

"I therefore consider that SACMED could give his assistance to Jugoslavia for punishing also the Italian War Criminals who committed their crimes against Jugoslavia. The Jugoslav Government requests that the Italian War Criminals be arrested and handed over. How it will be done is not its concern. SACMED may make arrangements through the Italian Government".

Mr. Patijotty stated that, in principle, the Greek position was similar to the Jugoslav position on this subject.

Mr. Ward stated that the British Delegation could not support the proposal of a recommendation by the Advisory Council to SACMED along the lines suggested by the Jugoslav Representative. He pointed out that the procedure adopted by the British, namely, a direct approach to the Italian Government, was open to other interested parties.

Mr. Goshie stated that he could not support the Jugoslav proposal which involved a recommendation by ACI to SACMED. He pointed out that as he had previously indicated, his Government considered that the question raised by the Jugoslav Representative was a matter to be properly taken up in direct negotiations between the Jugoslav Government and the Italian Government.

Colonel Savko expressed support of the Jugoslav proposal and stated that these war criminals must be handed over to Jugoslavia and that the Advisory Council for Italy should advise SACMED to enforce the Jugoslav request.

Mr. Goshie inquired whether the views expressed by Colonel Savko were official or personal views.

Colonel Savko replied that he had expressed the official position of the Soviet Union Government on this subject.

Dr. Smodlaka stated that his Delegation had a right to expect and receive assistance from SACMED.

...ld not handle this matter

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Declassified E.O. 12356 Section 3.3/NND No. 759045

1945

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"I therefore consider that SACMED could give his assistance to Jugoslavia for punishing also the Italian War Criminals who committed their crimes against Jugoslavia. The Jugoslav Government requests that the Italian War Criminals be arrested and handed over. How it will be done is not its concern. SACMED may make arrangements through the Italian Government".

M. Vafiadotty stated that, in principle, the Greek position was similar to the Jugoslav position on this subject.

Mr. Ward stated that the British Delegation could not support the proposal of a recommendation by the Advisory Council to SACMED along the lines suggested by the Jugoslav Representative. He pointed out that the procedure adopted by the British, namely, a direct approach to the Italian Government, was open to other interested parties.

Mr. Cochie stated that he could not support the Jugoslav proposal which involved a recommendation by ACI to SACMED. He pointed out that as he had previously indicated, his Government considered that the question raised by the Jugoslav Representative was a matter to be properly taken up in direct negotiations between the Jugoslav Government and the Italian Government.

Colonel Savko expressed support of the Jugoslav proposal and stated that these war criminals must be handed over to Jugoslavia and that the Advisory Council for Italy should advise SACMED to enforce the Jugoslav request.

Mr. Cochie inquired whether the views expressed by Colonel Savko were official or personal views.

Colonel Savko replied that he had expressed the official position of the Soviet Union Government on this subject.

Mr. Smodlaka stated that his Delegation had a right to expect and receive assistance from SACMED.

Mr. Cochie pointed out that SACMED could not handle this matter since the JCS directive precluded action by SACMED.

Mr. Smodlaka stated that apparently all Delegations, but the British and the U.S. Delegations, were in favor of acting on the Jugoslav proposal.

Mr. Cochie inquired for an indication of the French position.

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M. Daley stated that his Delegation was free to take any action in the premises.

Mr. Ward stated that in view of the instruction which ACCEND received from CCS, it seemed to him that the matter should be pursued by the interested parties through diplomatic channels, and he expressed support of the position taken by the United States Representative and observed that he considered it useless for the Council to advise ACCEND.

The Chairman stated that, since the opinion of the Council was not unanimous on this subject, he proposed that the minutes of the meeting should be sent to ACCEND for information only and that the item remain on the agenda for the next meeting.

Colonel Savko agreed to this proposal.

M. Daley agreed.

Mr. Ward stated that he had no objections.

Dr. Cochie agreed to the proposal presented by the Chairman and stated that he assumed that the minutes not only of this meeting but also of all previous meetings during which this item had been discussed would be forwarded to ACCEND and that the covering note would make it clear that the minutes were being transmitted for information only.

M. Vatikiotty agreed.

The Chairman then stated that the Council was in agreement to send to ACCEND copy of all minutes at which this item had been discussed, and that the minutes would be transmitted under cover of a letter stating that they were for information only.

V 5. Miscellaneous.

The Council had no miscellaneous business to discuss.

VI 6. Press Communique. 1944

The Council agreed to release the following press communique: ...

"The 60th meeting of the Advisory Council for Italy was held on December 30, 1946, under the chairmanship of the Jugoslav Representative a.i., Dr. Slovan J. Smodlaka. Other members of the Council present were:

M. Georges Belay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union

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not unanimous on this subject, he proposed that the minutes of the meeting should be sent to SACMED for information only and that the item remain on the agenda for the next meeting.

Colonel Savko agreed to this proposal.

M. Delay agreed.

Mr. Ward stated that he had no objections.

Mr. Cosbie agreed to the proposal presented by the Chairman and stated that he assumed that the minutes not only of this meeting but also of all previous meetings during which this item had been discussed would be forwarded to SACMED and that the covering note would make it clear that the minutes were being transmitted for information only.

M. Vatikiotty agreed.

The Chairman then stated that the Council was in agreement to send to SACMED copy of all minutes at which this item had been discussed, and that the minutes would be transmitted under cover of a letter stating that they were for information only.

V 5. Miscellaneous.

The Council had no miscellaneous business to discuss.

VI 6. Press Communique.

The Council agreed to release the following press communique:

"The 60th meeting of the Advisory Council for Italy was held on December 30, 1946, under the chairmanship of the Jugoslav Representative a.i., Dr. Slovan J. Gmodlaka. Other members of the Council present were:

M. Georges Delay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John G. Ward	United Kingdom
Mr. John H. Cosbie	United States

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting.

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on January 17 under the chairmanship of the French Representative.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

CC-802

15 January, 1947

Subject : Transmittal of ACI Minutes

To : G-2 Section, AFHQ

Forwarded herewith, as requested by the Advisory Council for Italy, are copies of the minutes of the 58th, 59th and 60th meetings of the Council with their covering letter signed by Dr. Enculuke.

For the Chief Commissioner,

BERNARD D.S. SULLIVAN
Major, Air Corps.
Chief Staff Officer

1943

File

(51)

0471

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT
ADVISORY COUNCIL FOR ITALY

Rome, January 15, 1947.

My dear Admiral,

I should be grateful if you would make arrangements to transmit the enclosed letter from A C I , signed by Dr. Glover J. Smodlaka, Chairman in turn of rotation of the Advisory Council for Italy, to SACMED.

Believe me, my dear Admiral,

Sincerely yours,

John L. Goshie

Enclosure:

Letter dated January 14, 1947.

1942

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
Rome.

(151)

0472

Declassified E.O. 12356 Section 3.3/NND No. 785015

Rome, January 14, 1947.

Sir,

In accordance with an agreement reached by the Advisory Council for Italy during its 60th meeting held in Rome on December 30, 1946, I have the honour to transmit herewith, for your information, copies 1/ of the minutes of the 58th, 59th, and 60th meetings of the Council during which meetings the Council discussed the item "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on request of Jugoslavia.

2 Enclosures.

Very truly yours,

Mr. Steven J. Spodick,
Chairman in turn of rotation,
Advisory Council for Italy.

Lieutenant General
Sir H.D. Morgan, K.C.B., D.S.O., M.C.,
Supreme Allied Commander,
Allied Force Headquarters,
C a s e r t a .

1941

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0473

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, January 15, 1947

The Secretariat has the honor to transmit herewith copy of a

1/ letter to RAINBOW, dated January 14, 1947 transmitting, for his information, copies of the minutes of the 58th, 59th, and 60th meetings of the Advisory Council for Italy.

Enclosure:

Letter to Lt.Gen. Morgan,
signed by Dr. Slovan J. Swodlaka,
Chairman in turn of rotation of ACI.

1940

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome

/31/

0474

Declassified E.O. 12356 Section 3.3/NND No. 785015

Press Communique

"The 50th meeting of the Advisory Council for Italy was held on December 20,1945,under the chairmanship of the Jugoslav Representative a.i.,Dr.Sloven J.Smodlaka.Other members of the Council present were:

M. Georges Bolay	France
M.Constantin Vatikiotty	Greece
Colonel V.V.Savko	Soviet Union
Mr. John C.Ward	United Kingdom
Mr. John L.Goshie	United States

Various questions were discussed.

Rear Admiral Ellery W.Stone,Chief Commissioner of the Allied Commission,attended the meeting."

1939

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Declassified E.O. 12356 Section 3.3/NND No. 788065

Statement by Dr. Subašić at AFHQ meeting Dec 20th 1945

With reference to the Art.23 and 38 of the Armistice Terms I have the honour to state that the Jugoslav Delegation stands firm on the unanimous decision of the Advisory Council for Italy taken on April 2,1944, on proposal of the U.S. representative, that the administrative expenses of the Delegations and of the Secretariat have to be charged to the Italian Government.

All the money received by the Jugoslav Delegation from the Allied Financial Agency was spent on account of the administrative expenses of the Delegation made until November 1,1945.

Since the Italian Government is bound to refund all administrative expenses, the Jugoslav Delegation considers to be entitled to the reimbursement of all administrative expenses made since Nov.1,1945, as well as of the expenses that will be made until the end of the work of the Advisory Council for Italy, and of such disbursements that the Jugoslav Delegation might still have to make in future for its administrative expenses due for the period prior to November 1,1945.

The Jugoslav Delegation, therefore, not only does not consider itself obliged to reimburse the received money, but it reserves the right to request in due time the full reimbursement of all administrative expenses made since the beginning until the end of the work of the Advisory Council for Italy.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

9 January 1947.

CC to CC.

AFHQ have issued directions that the Weekly Bulletin should cease publication without delay.

As regards the political summary the ACI is to be approached with a view to eliminating this report on the grounds that all the information is otherwise available to the ACI. If the ACI require a political summary it will be published as a mimeographed sheet and will not be available in the form of a printed ~~weekly~~ Bulletin.

The CC has informed me that he will take up this matter at the next meeting of the ACI.

W. Vans Boynton

L. BATER,
Brigadier,
Exec. Comm.

1938

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Declassified E.O. 12356 Section 3.3/NND No. 785015

MINUTES OF THE 59th MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Vittorio Veneto 119 on November 22, 1946 under the chairmanship of Mr. John L. Goshie, the United States Acting Representative on the Council. Present at the meeting were:

Mr. John L. Goshie	United States
M. Georges Balay M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. John G. Ward Mr. H.a.a. Hankey	United Kingdom
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

1937

The Chairman, Mr. John L. Goshie, opened the meeting and thanked Admiral Stone for attending it. He inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

1. Discussion of Italian Political Events

M. Pierre Sebilleau

M. Constantin Vatikiotty M. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. John G. Ward Mr. H.a.s. Hankey	United Kingdom
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

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4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

1987

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. John L. Goshie, opened the meeting and thanked Admiral Stone for attending it. He inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

1. Discussion of Italian Political Events.

Dr. Smodlaka referred to an item published in the "Allied Commission Weekly Bulletin" of November 18, 1946 regarding the salvaging of American merchant ships sunk in Italian ports and inquired how many ships were involved.

Admiral Stone stated that he did not have the data on hand.

Dr.

0478

Declassified E.O. 12356 Section 3.3/NND No. 778075

Dr. Smodlaka further inquired as to who would advance the funds for salveging the ships and how the financing would be handled.

Admiral Stone replied that the U.S. Maritime Commission was considering the matter and that the Allied Commission was not being consulted in the premises.

Dr. Smodlaka asked how the salvaging would be arranged.

Admiral Stone stated that he understood that this question was at present under consideration.

Dr. Smodlaka referred to another item published in the 'Allied Commission Weekly Bulletin' of November 9, 1946 regarding the Navy Sub-Commission's work involving the salvaging of some United Nation-al's ships sunk in Italy, and inquired how the ownership of such ships was identified.

Admiral Stone replied that he assumed that this was being done on the basis of such identity marks as were available.

The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did he thanked Admiral Stone for his courtesy in attending the meeting.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives wished to make any statement regarding this item. After noting that none of the other Representatives had any comment to make, he stated that he would like to incorporate into the record a copy of a memorandum, dated October 29, 1946, from the Allied Financial Agency, in which it is requested that the respective Delegations of A C I repay the lire advances they received from the Allied Financial Agency (see Appendix 1). The Chairman noted that he thought it would be helpful, to the Council, if the individual replies to the Allied Financial Agency were routed through the Secretariat of the Council and copies thereof forwarded to the other Delegations.

Colonel Savko stated that, under date of November 18, the Soviet Union Delegation replied to the letter of the Allied Financial Agency and that his replying note to Mr. L.R. BATTERSBY, Director Allied Financial Agency, read as follows: 1938

"Dear Colonel,

In reply to your letter No. FA/3.25 of October 29, 1946 I have the honor to inform you, on behalf of Colonel V.V. Savko, the Soviet Union Acting Representative on the Advisory Council for Italy, that on the basis of articles 23 and 38-a of the Armistice terms with Italy, as well as of the

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at present under consideration.

Dr. Smodlaka referred to another item published in the "Allied Commission Weekly Bulletin" of November 9, 1946 regarding the Navy Sub-Commission's work involving the salvaging of some United Nations ships sunk in Italy, and inquired how the ownership of such ships was identified.

Admiral Stone replied that he assumed that this was being done on the basis of such identity marks as were available.

The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did he thanked Admiral Stone for his courtesy in attending the meeting.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

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"Dear Colonel,

In reply to your letter No. FA/3.25 of October 29, 1946 I have the honor to inform you, on behalf of Colonel V.V. Savko, the Soviet Union Acting Representative on the Advisory Council for Italy, that on the basis of articles 23 and 38-a of the Armistice terms with Italy, as well as of the memorandum agreed upon at the 9th meeting of the Advisory Council for Italy on April 2, 1944, the advances received by the Soviet Delegation on the A.C. for administrative expenses cannot be refunded but must be charged to the Italian Government.

N. Geegalin
Secretary of the Soviet Union
Delegation on the Advisory
Council for Italy

0480

Declassified E.O. 12356 Section 3.3/NND No. 775575

The Chairman inquired whether the Soviet Union Representative considered that all the lire advances the Russian Delegation had received from the Allied Financial Agency were for common administrative disbursements.

Colonel Savko remarked that he had made his statement not for consideration by the Council at this time but merely in order to inform the other members of the action taken by the Soviet Union Delegation. He answered the Chairman's question and stated that all advances received by the Soviet Delegation had been received for administrative expenses, excluding expenses for payment of staff of the Soviet Delegation.

The Chairman inquired whether he could draw the implication from Colonel Savko's reply that the Soviet Union Delegation was prepared to reimburse to AFA all lire advances received by them for expenditures other than common administrative expenses.

M. Balay noted that the term 'common administrative expenses' should be specified exactly.

The Chairman stated that the U.S. Government interpreted the term "common administrative expenses" to include only those expenses which were shared by the Advisory Council as a whole.

Colonel Savko remarked that he supported the statement made by General Vasiliev on January 18, 1946 at the 48th meeting of the Advisory Council and that the point of view of the Soviet Union Delegation remained the same, he quoted the last paragraph of this statement as follows:

"The advances received by the delegations on the Advisory Council for Italy for administrative expenses have not to be returned and those advances should be charged to the Italian Government in the final settlement. Only those advances have to be reimbursed which had been received for the payment of salaries and personal allowances of the respective delegations. These expenses should be borne by the respective governments represented on the Advisory Council as it was agreed at the 9th meeting of the Advisory Council".

M. Balay suggested that, in view of the different interpretations, it might be helpful for the Secretariat to again study this question with a view to examining the possibility of clarifying the issue.

The Chairman inquired whether the Council wished to take action on M. Balay's suggestion.

Dr. Smodlaka stated that, with due reservations for the point of view of the Jugoslav Government upon receipt of instructions, he personally felt that there could be no doubt that the Italian Government was obliged to pay all administrative expenses of all the Delegations.

The Chairman suggested that it might be helpful to instruct

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for administrative expenses, [illegible] staff of the Soviet Delegation.

The Chairman inquired whether he could draw the implication from Colonel Savko's reply that the Soviet Union Delegation was prepared to reimburse to AFA all lire advances received by them for expenditures other than common administrative expenses.

M. Balay noted that the term 'common administrative expenses' should be specified exactly.

The Chairman stated that the U.S. Government interpreted the term "common administrative expenses" to include only those expenses which were shared by the Advisory Council as a whole.

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The Chairman inquired whether the Council wished to take action on M. Balay's suggestion.

Dr. Smodlaka stated that, with due reservations for the point of view of the Jugoslav Government upon receipt of instructions, he personally felt that there could be no doubt that the Italian Government was obliged to pay all administrative expenses of all the Delegations.

The Chairman suggested that it might be helpful to instruct the Secretariat to review the background of this question and to report briefly to the Council the current position of the respective Delegations.

Mr. Ward agreed that a committee could present the question in a clear form for further consideration by the Council.

Dr. Smodlaka considered that this was not necessary, but if desirable that every Delegation may prepare its point of view for the next meeting.

M.

0482

Declassified E.O. 12356 Section 3.3/NND No. 759045

M. Vatikiotty noted that each Delegation had already made a statement in the premises.

Dr. Smodlaka stated that it was important that instructions should be received from the respective Governments.

Colonel Savko remarked that at the 9th meeting of the Advisory Council it was clearly stated that administrative costs were expenditures for quarters, office space, utilities, salaries of local employees and similar expenses and that these should be postponed for final settlement between the United Nations and the Italian Government.

The Chairman noted that the U.S. Government had indicated that the administrative costs mentioned in the statement under reference covered only common administrative expenses.

M. Balay remarked that he could not share this point of view.

Colonel Savko stated that he did not see the need for a study of this question by the Secretariat with a view to examining the possibility of clarifying this problem and he also could not share the point of view taken by Mr. Goshie on this issue since in the memorandum agreed upon at the 9th meeting of ACI there was no division of administrative expenses for common ones and administrative expenses of each delegation.

After further discussion, the Chairman ascertained that the Council wished to include the item on the agenda of the next meeting.

3. 'Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government'.

The Chairman stated that the Council was waiting for a reply from AFHQ regarding this item and, as far as he knew, a reply had not yet been received.

Dr. Smodlaka inquired whether Admiral Stone could say how far the matter had advanced.

1994

Admiral Stone stated that he wished to remind the Jugoslav Representative that the Allied Commission was waiting for a reply from the Jugoslav Delegation itself regarding 5 of the 18 items of property and that in connection with the Jugoslav claim pressure was being brought on the Italian Government, but that an over-all complete reply could not be given until the Jugoslav Delegation itself responded to the inquiry regarding the remaining 8 items of property, to which number an additional claim had recently been added by the Jugoslav Delegation.

The Chairman, upon ascertaining that there were no further

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ployees and similar expenses and that these should be postponed for final settlement between the United Nations and the Italian Government.

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The Chairman, upon ascertaining that there were no further comments on this subject, proposed that the item be included on the agenda of the next meeting.

4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

Dr. Smodlaka reported that he would like to make an additional statement in connection with this item, as follows:

'The

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Declassified E.O. 12356 Section 3.4/NND No. 785015

"The reply of A.F.H.Q. communicated to the Jugoslav Delegation A.C.I. through Admiral Stone, stating that the Allied Military Authorities cannot deliver Italian war criminals to Jugoslavia since the Allied Military Government has been abolished throughout the whole of Italy, with the exception of Venezia Giulia and the Province of Udine, is apparently based on a misunderstanding of our request.

Having proposed "that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to: A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape; B. to hand them over to the Jugoslav authorities', I had in view that the greatest part of Italy was under Italian jurisdiction, but that the province of Udine and the zone 'A' of the Julian March were under the Allied Military Government.

I consequently requested that the Allied Military Authorities may directly take steps in order to arrest and to deliver the requested war criminals living on A.M.G. territory.

I further requested that SACMED make arrangements in order that the Italian Government should arrest and deliver themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this effect, it is of course up to A.F.H.Q. to elaborate the appropriate means. But it is the competence of SACMED to be the mediator in this case since it was requested that the Art. 29 of the Armistice be complied with in the interest of one of the United Nations claiming it. In the case that the Italian Government might refuse to comply with the request of AFHQ, the Allied Military Authorities have the right on the basis of the Armistice to effect themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In order to show how justified the claim of the Jugoslav Government is, it may be sufficient to mention the fact notorious throughout Italy, included the territory under Italian jurisdiction, that the Allied Authorities are still arresting directly those Italien citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. These Italians are being sentenced by the Allied authorities who are also executing the sentences. When the Allied Military authorities, on basis of the Armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in the interest of other United Nations, Allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SACMED that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia, be arrested and delivered without

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Declassified E.O. 12356 Section 3.3/NND No. 760045

Having regard that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to: A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape; B. to hand them over to the Jugoslav authorities', I had in view that the greatest part of Italy was under Italian jurisdiction, but that the province of Udine and the zone 'A'of the Julian March were under the Allied Military Government.

I consequently requested that the Allied Military Authorities may directly take steps in order to arrest and to deliver the requested war criminals living on A.M.G. territory.

I further requested that SACMED make arrangements in order that the Italian Government should arrest and deliver themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this effect, it is of course up to A.F.H.Q. to elaborate the appropriate means. But it is the competence of SACMED to be the mediator in this case since it was requested that the Art. 29 of the Armistice be complied with in the interest of one of the United Nations claiming it. In the case that the Italian Government might refuse to comply with the request of SACMED, the Allied Military Authorities have the right on the basis of the Armistice to effect themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In order to show how justified the claim of the Jugoslav Government is, it may be sufficient to mention the fact notorious throughout Italy, included the territory under Italian jurisdiction, that the Allied Authorities are still arresting directly those Italian citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. These Italians are being sentenced by the Allied authorities who are also executing the sentences. When the Allied Military authorities, on basis of the Armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in the interest of other United Nations, Allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SACMED that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia, be arrested and delivered without delay to the Jugoslav authorities."

Mr. Ward, in connection with Dr. Smodlaka's statement that "the Allied authorities are still arresting directly Italian citizens" stated that he would like to ask Dr. Smodlaka for clarification.

Dr. Smodlaka mentioned the case of General Bellomo.

Admiral

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Declassified E.O. 12356 Section 1.3/NND No. 7 X 950045

Admiral Stone noted that Bellomo's case was quite an old one and that, as he recalled it, the death sentence had been commuted by Field Marshal Alexander.

Mr. Ward inquired whether the Jugoslav Representative, in making a positive statement, had any definite information in support of his statement that the Allied authorities are currently arresting Italian citizens.

Dr. Smodlaka replied he did not have any specific information but that the Political Adviser of the Allied Commission would know better than he and that the matter could be investigated and clarified through channels deemed convenient. Dr. Smodlaka then inquired what action could be taken to deliver Italian war criminals to Jugoslavia.

Admiral Stone noted that in accordance with the statement he made at the last meeting, under instructions from AFHQ, requests for delivery of Italians listed by the War Crimes Commission should be taken up directly with the Italian Government by the nation requesting the alleged criminals.

M. Balay noted that, in principle, the French Delegation agreed with Dr. Smodlaka's position.

Mr. Ward stated that, as this was a question of policy, he stood by the ruling of the CCS, and that he considered that the interested Governments should pursue the matter through diplomatic channels.

Dr. Smodlaka stated that Jugoslavia was asking for the arrest of Italian war criminals , how this would be done was not their concern. SACMED could make arrangements through the Italian Government, and the function of the Advisory Council was to make recommendations to SACMED.

Colonel Savko remarked that the Allied authorities controlled the fulfillment of Armistice Terms by Italy. He also stated that on the basis of the 29th article of the Additional Armistice Terms with Italy, which provided for extradition of war criminals on the request of the Allied powers, the Italian war criminals had to be handed over to the Yugoslav Government.

He stated that he supported the proposal of the Yugoslav Delegation that Sacmed be advised to enforce the fulfillment of the 29th Article of the Additional Terms and to give assistance in delivery of war criminals to the Yugoslav Government.

Mr. Goshie stated that the U.S. Government considered that the question raised by the Jugoslav Delegation was a matter to be properly taken up in negotiations between the Jugoslav Government and the Italian Government.

Mr. Ward stated that he had been informed by the Foreign Office of the reply which they had made through the Yugoslav representative in London to the representations of the Yugoslav Government in this matter. This reply, dated October 31st, had been to the effect

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Declassified E.O. 12356 Section 3.3/NND No. 763045

Dr. Smodlaka replied he did not have any specific information but that the Political Adviser of the Allied Commission would know better than he and that the matter could be investigated and clarified through channels deemed convenient. Dr. Smodlaka then inquired what action could be taken to deliver Italian war criminals to Jugoslavia.

Admiral Stone noted that in accordance with the statement he made at the last meeting, under instructions from AFHQ, requests for delivery of Italians listed by the War Crimes Commission should be taken up directly with the Italian Government by the nation requesting the alleged criminals.

M. Baley noted that, in principle, the French Delegation agreed with Dr. Smodlaka's position.

Mr. Ward stated that, as this was a question of policy, he stood by the ruling of the CCS, and that he considered that the interested Governments should pursue the matter through diplomatic channels.

Dr. Smodlaka stated that Jugoslavia was asking for the arrest of Italian war criminals , how this would be done was not their concern, SACMED could make arrangements through the Italian Government, and the function of the Advisory Council was to make recommendations to SACMED.

Colonel Savko remarked that the Allied authorities controlled the fulfillment of Armistice Terms by Italy. He also stated that on the basis of the 29th article of the Additional Armistice Terms with Italy, which provided for extradition of war criminals on the request of the Allied powers, the Italian war criminals had to be handed over to the Yugoslav Government.

He stated that he supported the proposal of the Yugoslav Delegation that Sacmed be advised to enforce the fulfillment of the 29th Article of the Additional Terms and to give assistance in delivery of war criminals to the Yugoslav Government.

Mr. Goshie stated that the U.S. Government considered that the question raised by the Jugoslav Delegation was a matter to be properly taken up in negotiations between the Jugoslav Government and the Italian Government.

Mr. Ward stated that he had been informed by the Foreign Office of the reply which they had made through the Yugoslav representative in London to the representations of the Yugoslav Government in this matter. This reply, dated October 31st, had been to the effect that the Italian armistice of September 1943 had been largely superseded by events and that its terms had become in part obsolete. Revised terms had in fact been agreed upon in May last in Paris. The procedure laid down by the Combined Chiefs of Staff was in keeping with the existing situation and was in no way inconsistent with that envisaged in the Revised Terms or in the relevant draft article of the Peace Treaty with Italy.

The Chairman stated that the Council had before it a specific

proposal

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Declassified E.O. 12356 Section 3.3/NNJ No. 77-1326

proposal presented by Dr. Smodlaka recommending that ACI advise SACMED to make necessary arrangements for the arrest and extradition of listed Italian war criminals. In this connection, he noted that the positions of the British and the U.S. Governments were that the question raised by Dr. Smodlaka should be taken up directly by the Jugoslav Government with the Italian Government in conformity with the CCS directive.

Dr. Smodlaka noted that he had the support of the Soviet Union and the French Delegations and inquired whether any of the other Delegations had received instructions from their respective Governments.

M. Balay stated that the French Government had approached London and Washington, but he had not yet received information as to developments along these lines. M. Balay suggested that pending receipt of an answer from London and Washington, further consideration of this similar question be postponed until the next meeting.

The Chairman ascertained that all Representatives were agreeable to this suggestion.

V 5. Miscellaneous

The Council had no miscellaneous business to discuss.

VI 6. Press Communique

The Council agreed to release the following press communique:

"The 59th meeting of the Advisory Council for Italy was held on November 22, 1945 under the chairmanship of the United States Acting Representative, Mr. John L. Goshie. Other members of the Council present were:

M. Georges Balay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John G. Ward	United Kingdom
Dr. Sloven J. Smodlaka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on December 20

1931

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Declassified E.O. 12356 Section 3.3/NND No. 785045

and the French Delegations and inquired whether any of the other Delegations had received instructions from their respective Governments.

M. Balay stated that the French Government had approached London and Washington, but he had not yet received information as to developments along these lines. M. Balay suggested that pending receipt of an answer from London and Washington, further consideration of this similar question be postponed until the next meeting.

The Chairman ascertained that all Representatives were agreeable to this suggestion.

V 5. Miscellaneous

The Council had no miscellaneous business to discuss.

VI 6. Press Communique

The Council agreed to release the following press communique:

"The 59th meeting of the Advisory Council for Italy was held on November 22, 1946 under the chairmanship of the United States Acting Representative, Mr. John L. Goshie. Other members of the Council present were:

M. Georges Balay	France
M. Constantin Vetikiotty	Greece
Colonel V.V. Gavko	Soviet Union
Mr. John G. Ward	United Kingdom
Dr. Sloven J. Smodlaka	Yugoslavia

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Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on December 20 under Jugoslav chairmanship.

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Appendix A1:

Letter from the Allied Financial Agency addressed to The Chief of Secretariat ACI, dated October 29, 1946.

JLG:hp

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Declassified E.O. 12356 Section 3.3/NND No. 778045

APPENDIX /1

TO MINUTES OF 59th MEETING OF THE ADVISORY COUNCIL FOR ITALY

ALLIED FINANCIAL AGENCY

Branch of
Allied Force HQ
G-5 Section CMF

Postal Address:
APO 794 US Army

FA/3.25 29 Oct 46

SUBJECT: Advances to Advisory Council for Italy.

TO : The Chief of Secretariat
The Advisory Council for Italy
C. M. F.

Enclosed please find letters addressed to the U.S., British, Russian, Jugoslav, Greek and French Delegations with, attached to each, a statement of the respective advances made by this Agency and requesting repayment of the amount outstanding.

It will be appreciated if you will kindly deliver these to the addressees and ensure that a reply be given to us as quickly as possible.

(Note: Enclosures omitted since addressed to individual Delegations).

L.R. BATTERSBY,
Colonel, G.L.,
Director
Allied Financial Agency.

1930

Copy to: A.F.H. . G-5
Asst Chief of Staff
(Ref G-5.905.06 dated 23 Oct 46)

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, December 19, 1946.

The Secretariat has the honor to transmit herewith copies (2) of the minutes of the fifty-ninth meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 59th meeting.

1329

Rear Admiral Ellery W. Stone,

Chief Commissioner,

Allied Commission,

Rome

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, December 17, 1946

The next meeting of the Advisory Council for Italy, scheduled for December 20, 1946, 1030 hours, will be held at Via Aurelia 464, under the chairmanship of the Russian Acting Representative on the Council.

Enclosure:

Agenda of 60th Meeting.

1928

Rear Admiral Ellery W. Stone,

Chief Commissioner,

Allied Commission,

Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

A G E N D A

OF THE DECEMBER 20, 1946 MEETING

OF THE

ADVISORY COUNCIL FOR ITALY

* * * * * *

I 1.) DISCUSSION OF ITALIAN POLITICAL EVENTS

(The Chief Commissioner of the Allied Commission will be invited to attend)

II 2.) "REACTIONS OF THE SOVIET UNION REPRESENTATIVE REGARDING DISCONTINUANCE OF PROVISION OF FUELS BY THE COMBINED BOARD TO STAFF TO THE SOVIET DELEGATION AND REIMBURSEMENT FOR PAST ADVANCES".

III 3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF YUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE YUGOSLAV MERCHANT SHIPS, WHICH SHOULD BE SAVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

IV 4.) "EXTRADITION TO THE YUGOSLAV GOVERNMENT OF ITALIAN WAR CRIMINALS LISTED BY THE UNITED NATIONS WAR CRIMES COMMISSION ON BEHALF OF YUGOSLAVIA".

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V 5.) MISCELLANEOUS.

VI 6.) FINAL COMMUNIQUE.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref. : 8002/100/DC

12 December 1946

My dear Dr. Smodlaka,

I refer to certain questions raised by you at the last meeting of the Advisory Council for Italy, and I forward herewith the following information:

a) Reference the Weekly Bulletin of 9 Nov., page 5, the identity of sunken vessels is established by the Commander-in-Chief, Mediterranean Station, after considering the internal evidence available, the known history of each individual case, and after an examination of documentary proofs of ownership submitted by claimants of other ships in question.

b) Reference the Weekly Bulletin of 16 Nov., page 5, in accordance with the British Admiralty's Directive S 213/46 of 12 March, 1946 regarding salvage, it is the responsibility of the owners of sunken vessels or their interested governments, to make their own arrangements with the Italian Government to obtain lire funds for salvage.

c) With reference to the restitution of vessels to Yugoslavia, a further letter has been sent to the Commander in Chief but, to date, no reply has been received.

I trust that these answers will clarify the position.

Yours very truly,

[illegible]
Rear Admiral, U.S.N.
Chief Commissioner

1926

Dr. Sloven J. Smodlaka,
Acting Representative of Yugoslavia,
Advisory Council to Italy,
HQMG.

Copy to: Secretary General
Advisory Council to Italy

(104)

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Declassified E.O. 12356 Section 3.3/NND No. 785015

TO

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, December 10, 1946.

The Secretariat has the honor to transmit herewith a copy of the preliminary draft of the minutes of the 93th meeting of the Advisory Council for Italy, held on November 22, 1946.

Enclosure:

Draft of Minutes.

1925

From

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome.

PRELIMINARY DRAFT OF THE
MINUTES OF THE 53rd MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Vittorio Veneto on November 22, 1946 under the chairmanship of Mr. John L. Goshie, the United States Acting Representative on the Council. Present at the meeting were:

Mr. John L. Goshie	United States
M. Georges Balay M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Alexandre D. Argyropoulo	Greece
Colonel V.V. Berko Lt. M.M. Geogalin	Soviet Union
Mr. John G. Ward Mr. H.A.A. Hankey	United Kingdom
Mr. Slovan J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. John L. Goshie, opened the meeting and thanked Admiral Stone for attending it. He inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

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M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.M. Ceaglin	Soviet Union
Mr. John C. Ward Mr. E.A.A. Hankey	United Kingdom
Dr. Slovan J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Yugoslav Property taken by Italian Fascist Authorities, included the Yugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Yugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. John L. Cochie, opened the meeting and thanked Admiral Stone for attending it. He inquired whether any of the Representatives wished to ask any questions relating to Italian political events.

1. Discussion of Italian Political Events.

Dr. Smodlaka referred to an item published in the "Allied Commission Weekly Bulletin" of November 18, 1946 regarding the salvaging of American merchant ships sunk in Italian ports and inquired how many ships were involved.

Admiral Stone stated that he did not have the data on hand.

Dr.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

Dr. Smodlaka further inquired as to who would advance the funds for salvaging the ships and how the financing would be handled.

Admiral Stone replied that the U.S. Maritime Commission was considering the matter and that the Allied Commission was not being consulted in the premises.

Dr. Smodlaka asked how the salvaging would be arranged.

Admiral Stone stated that he understood that this question was at present under consideration.

Dr. Smodlaka referred to another item published in the Allied Commission Weekly Bulletin of November 9, 1946 regarding the Navy Sub-Commission's work involving the salvaging of some United Nations's ships sunk in Italy, and inquired how the ownership of such ships was identified.

Admiral Stone replied that he assumed that this was being done on the basis of such identity marks as were available.

The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did he thanked Admiral Stone for his courtesy in attending the meeting.

II

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives wished to make any statement regarding this item. After noting that none of the other Representatives had any comment to make, he stated that he would like to incorporate into the record a copy of a memorandum, dated October 29, 1946, from the Allied Financial Agency in which it is requested that the respective Delegations of A C I repay the lire advances they received from the Allied Financial Agency (see Appendix 1). The Chairman noted that he thought it would be helpful, to the Council, if the individual replies to the Allied Financial Agency were routed through the Secretariat of the Council and copies thereof forwarded to the other Delegations.

Colonel Savko stated that under date of November 18 the Soviet Union Delegation replied to the letter of the Allied Financial Agency and that his replying note read as follows:

"Mr. L.H. BATTERSBY
Director Allied Financial Agency.

Dear Colonel,

In reply to your letter No. FA/3.28 of October 29, 1946 I have the honor to inform you, on behalf of Colonel V.V. Savko,

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Admiral Stone stated that he understood that this question was at present under consideration.

Dr. Smoklaka referred to another item published in the Allied Commission Weekly Bulletin of November 9, 1946 regarding the Navy Sub-Commission's work involving the salvaging of some United Nations's ships sunk in Italy, and inquired how the ownership of such ships was identified.

Admiral Stone replied that he assumed that this was being done on the basis of such identity marks as were available.

The Chairman inquired whether any of the other Representatives wished to ask any questions relating to Italian political events and after ascertaining that none did he thanked Admiral Stone for his courtesy in attending the meeting.

II

M.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives wished to make any statement regarding this item. After noting that none of the other Representatives had any comment to make, he stated that he would like to incorporate into the record a copy of a memorandum, dated October 29, 1946, from the Allied Financial Agency in which it is requested that the respective Delegations of A C I repay the lire advances they received from the Allied Financial Agency (see Appendix 1). The Chairman noted that he thought it would be helpful, to the Council, if the individual replies to the Allied Financial Agency were routed through the Secretariat of the Council and copies thereof forwarded to the other Delegations.

Colonel Savko stated that under date of November 16 the Soviet Union Delegation replied to the letter of the Allied Financial Agency and that his replying note read as follows:

1129

"Mr. L.K. BATTERSBY
Director Allied Financial Agency.

Dear Colonel,

In reply to your letter No. Fa/3.25 of October 29, 1946 I have the honor to inform you, on behalf of Colonel V.V. Savko, the Soviet Union Acting Representative on the Advisory Council for Italy, that on the basis of articles 33 and 38 of the Armistice terms with Italy, as well as of the memorandum agreed upon at the 9th meeting of the Advisory Council for Italy on April 8, 1944, the advances received by the Soviet Delegation on the A.C. for administrative expenses can not be refunded but must be charged to the account of the Italian Government.

N. Geogalin
Secretary of the Soviet Union
Delegation on the Advisory
Council for Italy"

(1254)

The Chairman inquired whether the Soviet Union Representative considered

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Declassified E.O. 12356 Section 3.3/NND No. 760015

considered that all the lire advances the Russian Delegation had received from the Allied Financial Agency were for common administrative disbursements.

Colonel Savko remarked that he had made his statement not for consideration by the Council at this time but merely in order to inform the other members of the action taken by the Soviet Union Delegation. He answered the Chairman's question and stated that not all advances received by the Soviet Delegation had been used for administrative expenses and that, for instance, the expenses for the staff were not considered administrative expenses.

The Chairman inquired whether he could draw the implication from Colonel Savko's reply that the Soviet Union Delegation was prepared to reimburse to AFA all lire advances received by them for expenditures other than common administrative expenses.

M. Malay noted that the term "common administrative expenses" should be specified exactly.

The Chairman stated that the U.S. Government interpreted the term "common administrative expenses" to include only those expenses which were shared by the Advisory Council as a whole.

Colonel Savko remarked that he supported the statement made by General Vassiliev on January 18, 1946 at the 48th meeting of the Advisory Council and that the point of view of the Soviet Union Delegation remained the same. He quoted the last paragraph of this statement as follows:

"The advances received by the delegations on the Advisory Council for Italy for administrative expenses have not to be returned and those advances should be charged to the Italian Government in the final settlement. Only those advances have to be reimbursed which had been received for the payment of salaries and personal allowances of the respective delegations. These expenses should be borne by the respective governments represented on the Advisory Council as it was agreed at the 8th meeting of the Advisory Council."

M. Malay suggested that, in view of the different interpretations, it might be helpful for the Secretariat to again study this question with a view to examining the possibility of clarifying the issue.

The Chairman inquired whether the Council wished to take action on M. Malay's suggestion.

Dr. Smodlaka stated that, with due reservations for the point of view of the Jugoslav Government upon receipt of instructions, he personally felt that there could be no doubt that the Italian Government was obliged to pay all administrative expenses of all the Delegations.

The Chairman suggested that it might be helpful to instruct the

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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The Chairman inquired whether he could draw the implication from Colonel Savko's reply that the Soviet Union Delegation was prepared to reimburse to AFA all lire advances received by them for expenditures other than common administrative expenses.

M. Belay noted that the term "common administrative expenses" should be specified exactly.

The Chairman stated that the U.S. Government interpreted the term "common administrative expenses" to include only those expenses which were shared by the Advisory Council as a whole.

Colonel Savko remarked that he supported the statement made by General Wassiliev on January 18, 1946 at the 49th meeting of the Advisory Council and that the point of view of the Soviet Union Delegation remained the same. He quoted the last paragraph of this statement as follows:

"The advances received by the delegations on the Advisory Council for Italy for administrative expenses have not to be returned and those advances should be charged to the Italian Government in the final settlement. Only those advances have to be reimbursed which had been received for the payment of salaries and personal allowances of the respective delegations. These expenses should be borne by the respective governments represented on the Advisory Council as it was agreed at the 9th meeting of the Advisory Council."

M. Belay suggested that, in view of the different interpretations, it might be helpful for the Secretariat to again study this question with a view to examining the possibility of clarifying the issue.

The Chairman inquired whether the Council wished to take action on M. Belay's suggestion.

Dr. Smodlaka stated that, with due reservations for the point of view of the Jugoslav Government upon receipt of instructions, he personally felt that there could be no doubt that the Italian Government was obliged to pay all administrative expenses of all the Delegations.

The Chairman suggested that it might be helpful to instruct the Secretariat to review the background of this question and to report briefly to the Council the current position of the respective Delegations.

Dr. Ward agreed that a committee could present the question in a clear form for further consideration by the Council.

Dr. Smodlaka considered that this was not necessary, but if desirable that every Delegation may prepare its point of view for the next meeting.

M. Vatsidotty noted that each Delegation had already made a statement in the premises.

Dr.

0502

Declassified E.O. 12356 Section 3.3/NND No. 785045

Dr. Gsedlska stated that it was important that instructions should be received from the respective Governments.

Colonel Sarko remarked that at the 9th meeting of the Advisory Council it was clearly stated that administrative costs were expenditures for quarters, office space, utilities, salaries of local employees and similar expenses and that these should be postponed for final settlement between the United Nations and the Italian Government.

The Chairman noted that the U.S. Government had indicated that the administrative costs mentioned in the statement under reference covered only common administrative expenses.

M. Heiny remarked that he could not share this point of view.

After further discussion, the Chairman ascertained that the Council wished to include the item on the agenda of the next meeting.

III

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

The Chairman stated that the Council was waiting for a reply from AFHQ regarding this item and, as far as he knew, a reply had not yet been received.

Dr. Gsedlska inquired whether Admiral Stone could say how far the matter had advanced.

Admiral Stone stated that he wished to remind the Jugoslav Representative that the Allied Commission was waiting for a reply from the Jugoslav Delegation itself regarding 8 of the 18 items of property and that in connection with the Jugoslav claim pressure was being brought on the Italian Government, but that an over-all complete reply could not be given until the Jugoslav Delegation itself responded to the inquiry regarding the remaining 8 items of property, to which number an additional claim had recently been added by the Jugoslav Delegation.

The Chairman, upon ascertaining that there were no further comments on this subject, proposed that the item be included on the agenda of the next meeting.

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IV

4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

Dr. Gsedlska reported that he would like to make an additional statement in connection with this item, as follows:

"The reply of A.F.H.Q. communicated to the Jugoslav Delegation A.C.I. through Admiral Stone, stating that the Allied Military

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the administrative costs mentioned in the statement under reference covered only common administrative expenses.

M. Balay remarked that he could not share this point of view.

After further discussion, the Chairman ascertained that the Council wished to include the item on the agenda of the next meeting.

III 3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

The Chairman stated that the Council was waiting for a reply from AMG regarding this item and, as far as he knew, a reply had not yet been received.

Dr. Smodlaka inquired whether Admiral Stone could say how far the matter has advanced.

Admiral Stone stated that he wished to remind the Jugoslav Representative that the Allied Commission was waiting for a reply from the Jugoslav Delegation itself regarding 5 of the 18 items of property and that in connection with the Jugoslav claim pressure was being brought on the Italian Government, but that an over-all complete reply could not be given until the Jugoslav Delegation itself responded to the inquiry regarding the remaining 8 items of property, to which number an additional claim had recently been added by the Jugoslav Delegation.

The Chairman, upon ascertaining that there were no further comments on this subject, proposed that the item be included on the agenda of the next meeting.

IV 4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

Dr. Smodlaka reported that he would like to make an additional statement in connection with this item, as follows:

"The reply of A.F.H.Q. communicated to the Jugoslav Delegation A.C.I. through Admiral Stone, stating that the Allied Military Authorities cannot deliver Italian war criminals to Jugoslavia since the Allied Military Government has been abolished throughout the whole of Italy with the exception of Venezia Giulia and the Province of Udine, is apparently based on a misunderstanding of our request.

Having proposed "that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to: A. arrest without delay all Italian

war

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war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape; B. to hand them over to the Jugoslav authorities", I had in view that the greatest part of Italy was under Italian jurisdiction, but that the province of Udine and the zone "A" of the Julian March were under the Allied Military Government.

I consequently requested that the Allied Military Authorities may directly take steps in order to arrest and to deliver the requested war criminals living on A.M.G. territory.

I further requested that SACMED make arrangements in order that the Italian Government should arrest and deliver themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this effect it is of course up to A.F.H.Q. to elaborate the appropriate means. But it is the competence of SACMED to be the mediator in this case since it was requested that the Art. 29 of the Armistice be complied with in the interest of one of the United Nations claiming it. In the case that the Italian Government might refuse to comply with the request of SACMED, the Allied Military Authorities have the right on the basis of the Armistice to effect themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In order to show how justified the claim of the Jugoslav Government is, it may be sufficient to mention the most notorious thoughout Italy, included the territory under Italian jurisdiction, that the Allied Authorities are still arresting directly those Italian citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. These Italians are being sentenced by the Allied authorities who are also executing the sentences. When the Allied Military authorities, on basis of the Armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in the interest of other United Nations, Allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SACMED that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia, be arrested and delivered without delay to the Jugoslav authorities."

Mr. Ward, in connection with Mr. Gaudiaks's statement that "the Allied authorities are still arresting directly Italian citizens ..' stated that he would like to ask Mr. Gaudiaks for clarification.

Dr. Gaudiaks mentioned the case of General Bellomo.

Admiral Stone noted that Bellomo's case was quite an old one and that, as he recalled it, the death sentence had been commuted by Field Marshal Alexander.

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I further requested that SACMED make arrangements in order that the Italian Government should arrest and deliver themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this effect it is of course up to A.F.H.Q. to elaborate the appropriate means. But it is the competence of SACMED to be the mediator in this case since it was requested that the art. 29 of the Armistice be complied with in the interest of one of the United Nations claiming it. In the case that the Italian Government might refuse to comply with the request of SACMED, the Allied Military authorities have the right on the basis of the Armistice to effect themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In order to show how justified the claim of the Jugoslav Government is, it may be sufficient to mention the most notorious throughout Italy, included the territory under Italian jurisdiction, that the Allied Authorities are still arresting directly those Italian citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. These Italians are being sentenced by the Allied authorities who are also executing the sentences. When the Allied Military authorities, on basis of the Armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in the interest of other United Nations, Allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SACMED that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia, be arrested and delivered without delay to the Jugoslav authorities."

Mr. Ward, in connection with Mr. Maclean's statement that "the Allied authorities are still arresting directly Italian citizens .." stated that he would like to ask Mr. Maclean for clarification.

Mr. Maclean mentioned the case of General Bellomo.

Admiral Stone noted that Bellomo's case was quite an old one and that, as he recalled it, the death sentence had been commuted by Field Marshal Alexander.

Mr. Ward inquired whether the Jugoslav representative, in making a positive statement, had any definite information in support of his statement that the Allied authorities are currently arresting Italian citizens.

Mr. Maclean replied he did not have any specific information but that the Political Adviser of the Allied Commission would know better than he and that the matter could be investigated and clarified through channels deemed convenient. Mr. Maclean then inquired what action could be taken to deliver Italian war criminals to Jugoslavia.

Admiral

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Admiral Stone noted that in accordance with the statement he made at the last meeting, under instructions from APHQ, requests for delivery of Italians listed by the War Crimes Commission should be taken up directly with the Italian Government by the nation requesting the alleged criminals.

M. Dalay noted that, in principle, the French Delegation agreed with Dr. Smodlaka's position.

Mr. Ward stated that, as this was a question of policy, he stood by the ruling of the COS, and that he considered that the interested Governments should pursue the matter through diplomatic channels.

Dr. Smodlaka stated that Jugoslavia was asking for the arrest of Italian war criminals, how this would be done was not their concern, SACMED could make arrangements through the Italian Government, and the function of the Advisory Council was to make recommendations to SACMED.

Colonel Savko remarked that the Allied authorities controlled the Italian Armistice Terms and could arrange for the surrender of Italian war criminals to Jugoslavia. He suggested that SACMED be advised to enforce the Armistice Terms and to give assistance in the delivery of war criminals to the Jugoslav Government.

Mr. Coshie stated that the U.S. Government considered that the question raised by the Jugoslav Delegation was a matter to be properly taken up in negotiations between the Jugoslav Government and the Italian Government.

Mr. Ward stated that he had received instructions from the Foreign Office regarding the Jugoslav request and London had taken the matter up with the Italian Government. Mr. Ward stated that his Government's position was as follows:

(Mr. Ward, please insert)

The Chairman stated that the Council had before it a specific proposal presented by Dr. Smodlaka recommending that ACI advise SACMED to make necessary arrangements for the arrest and extradition of listed Italian war criminals. In this connection, he noted that the positions of the British and the U.S. Governments was that the question raised by Dr. Smodlaka should be taken up directly by the Jugoslav Government with the Italian Government in conformity with the COS directive.

Dr. Smodlaka noted that he had the support of the Soviet Union and the French Delegations and inquired whether any of the other Delegations had received instructions from their respective governments.

M. Dalay stated that the French Government had approached London and Washington, but he had not yet received information as to developments along these lines. M. Dalay suggested that pending re-

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Governments should pursue the matter through diplomatic channels.

Dr. Smodlaka stated that Jugoslavia was asking for the arrest of Italian war criminals, how this would be done was not their concern, SACMED could make arrangements through the Italian Government, and the function of the Advisory Council was to make recommendations to SACMED.

Colonel Savko remarked that the Allied authorities controlled the Italian Armistice Terms and could arrange for the surrender of Italian war criminals to Jugoslavia. He suggested that SACMED be advised to enforce the Armistice Terms and to give assistance in the delivery of war criminals to the Jugoslav Government.

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(Mr. Ward, please insert)

The Chairman stated that the Council had before it a specific proposal presented by Dr. Smodlaka recommending that ACI advise SACMED to make necessary arrangements for the arrest and extradition of listed Italian war criminals. In this connection, he noted that the positions of the British and the U.S. Governments was that the question raised by Dr. Smodlaka should be taken up directly by the Jugoslav Government with the Italian Government in conformity with the CCS directive.

Dr. Smodlaka noted that he had the support of the Soviet Union and the French Delegations and inquired whether any of the other Delegations had received instructions from their respective governments.

M. Malay stated that the French Government had approached London and Washington, but he had not yet received information as to developments along these lines. M. Malay suggested that pending receipt of an answer from London and Washington further consideration of this similar question be postponed until the next meeting.

The Chairman ascertained that all Representatives were agreeable to this suggestion.

5. Miscellaneous.

The Council had no miscellaneous business to discuss.

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6. Press Communique.

The Council agreed to release the following press communique:

"The 99th meeting of the Advisory Council for Italy was held on November 22, 1946 under the chairmanship of the United States Acting Representative, Mr. John L. Goshie. Other members of the Council present were:

M. Georges Balay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John O. Ward	United Kingdom
Mr. Slovan J. Gacdlakn	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting."

DATE OF NEXT MEETING.

The Council agreed to hold the next meeting on December 27 under Yugoslav chairmanship.

1918

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M. Georges Malay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John C. Ward	United Kingdom
Dr. Sloven J. Gacdleka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting."

DATE OF NEXT MEETING.

The Council agreed to hold the next meeting on December 30 under Yugoslav chairmanship.

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HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

Ref.: 8002/92/20

26 November 1946

MEMO TO NAVY S/C.

1. At the last meeting of the Advisory Council for Italy the Yugoslav Delegate raised the following points with the Chief Commissioner.

(a) Referring to the AC Weekly Bulletin of 9 November, page 5, paragraph under the heading of Navy S/C, the Yugoslav Delegate wished to know how the identity of sunken vessels was established. Was it decided by a Commission of experts ?

(b) Referring to the AC Weekly Bulletin of 16 November, pages 4 and 5, the Yugoslav Delegate asked who would supply the funds for salvage of sunken vessels.

(c) The Yugoslav Delegate requested that a hastener should be sent to C-in-C Med regarding letter AFHQ/5526/dated 11 Oct.46 which asked for a policy regarding the matters raised in that letter.

2. With regard to (a) and (b) above, will you please forward information to this office upon which the Chief Commissioner can base a reply to the Yugoslav Delegate.

With regard to (c) above will you please state if you consider that such a hastener should now be sent.

Brigadier,
Executive Commissioner.

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Copy to: File 9009/20

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The reply of A.F.H.Q. communicated to the Jugoslav Delegation A.M.G. through Admiral Stone, stating that the Allied Military Authorities cannot deliver Italian war criminals to Jugoslavia since the Allied Military Government has been abolished throughout the whole of Italy, with the exception of Venezia Giulia and the Province of Udine, is apparently based on a misunderstanding of our request.

Having regarded that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue (XXXXX) appropriate orders to his dependent authorities as well as to the Italian Government in order to: a. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape; b. to hand them over to the Jugoslav Authorities", I was in view that the greatest part of Italy was under the Italian jurisdiction, but that the Province of Udine and the zone [illegible] of the Julian March were under the Allied Military Government.

I consequently requested that the Allied Military Authorities may directly take steps in order to arrest and to deliver the requested war criminals living on A.M.G. territory.

I further requested that A.F.H.Q. may make arrangements in order that the Italian government should arrest and deliver by themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this arrest, it is of course up to A.F.H.Q. to elaborate the appropriate means. But it is the competence of SHAEF to be the mediator in this case, since it was requested that the Art. 29 of the Armistice be complied with in interest of one of the United Nations claiming it. In the case that the Italian government might refuse to comply with the request of AFHQ, the Allied Military Authorities have the right in basis of the Armistice to effect by themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In order to show how justified the claim of the Jugoslav government is, it may be sufficient to mention the fact notorious throughout Italy, included the territory under the Italian jurisdiction, that the Allied authorities are still arresting directly those Italian citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. The Italians are being sentenced by the Allied authorities who are also executing the sentences. Then the Allied military authorities, in basis of the Armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in interest of other United Nations, allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SHAEF that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia be arrested and delivered without delay to the Jugoslav authorities.

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authorities cannot deliver Italian war criminals to Jugoslavia since the Allied Military Government has been abolished throughout the whole of Italy, with the exception of Venezia Giulia and the Province of Udine, is apparently based on a misunderstanding of our request.

Having proposed that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue (xxxxxx) appropriate orders to his dependent authorities as well as to the Italian Government in order to: . arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape; c. to hand them over to the Jugoslav authorities", I had in view that the greatest part of Italy was under the Italian Jurisdiction, but that the Province of Udine and the zone ' ' of the Julian area were under the Allied Military Government.

I consequently requested that the Allied Military authorities may directly take steps in order to arrest and to deliver the requested war criminals living on . . territory.

I further requested that . . may make arrangements in order that the Italian government should arrest and deliver by themselves these requested war criminals who are living on the territory under its jurisdiction. As to the procedure which will be applied to this effect, it is of course up to . . . to elaborate the appropriate means. But it is the competence of . . to be the arbiter in this case, since it was requested that the art. of the armistice be complied with in interest of one of the United Nations claiming it. In the case that the Italian government might refuse to comply with the request of . . , the Allied Military authorities have the right in basis of the armistice to effect by themselves the arresting and delivery of the Italian war criminals to the Jugoslav authorities.

In former to show how justified the claim of the Jugoslav government is, it may be sufficient to mention the fact notorious throughout Italy, included the territory under the Italian jurisdiction, that the Allied authorities are still arresting directly those Italian citizens alleged for war crimes against the interest of citizens and goods of Great Britain and the United States. The Italians are being sentenced by the Allied authorities who are also executing the sentences. When the Allied military authorities, in basis of the armistice, may do this directly when the interests of the United Kingdom and of the United States are in question, there is no reason why the same should not apply in interest of other United Nations, allies in the war against the Axis forces.

I therefore have the honour to propose that the Advisory Council for Italy may advise SAC MED that necessary steps may be taken in order that all Italian war criminals listed by the United Nations War Crimes Commission on request of Jugoslavia be arrested and delivered without delay to the Jugoslav authorities.

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State Treaty Dr Sneddaker
FRC 11/4/47

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HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

22 November 1946.

Chief Commissioner.

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1. Reference is made to attached note dated 25 October 1946.

2. Of the 18 items of property there are now 6 on which no further action can be taken until word is received from the Yugoslav authorities.

In addition information is now in process of being passed to the Yugoslav authorities on 4 other items of property which will bring the total in this category up to 10.

The addition of 4 was caused by replies received from the Italian Government.

As regards the remaining 8, certain information has been received from the Italian Government reporting the progress of their investigations but the information is not yet of a sufficiently definite character to pass to the Yugoslav authorities.

AFHQ are also in process of being informed on the developments. The information received from the Italian Government is of a very recent date.

One new claim has been received from Dr. Smodlaka in regard to a spectroheliograph alleged to have been removed from the Observatory of Belgrade.

There is also one old claim by the Yugoslav authorities which is being dealt with and which was not included by them in the list brought before the A.C.I.

3. As regards ships no reply has yet been received from CinC Med in respect of policy regarding handing back ships in original condition.

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As regards ships which the Yugoslav authorities have refused to take there have been no developments.

As regards cases in which further information is required from the Yugoslavs one or two replies have been received that it is considered that the information in possession of the Allied Commission is sufficient and reiterating demands for hand back of vessels.

No further information has been received from the Italian Government which materially affects the general position as regards ships.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, November 21, 1944.

The Secretariat has the honor to transmit herewith copies (2) of the minutes of the fifty-eighth meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 58th Meeting.

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome.

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PRELIMINARY DRAFT OF THE
MINUTES OF THE 96th MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via XX Settembre 84 on October 25, 1946 under the chairmanship of Mr. John C. Ward, the United Kingdom Acting Representative on the Council. Present at the meeting were:

Mr. John C. Ward	United Kingdom
Mr. H.A.R. Hankey	
M. Georges Salay	France
M. Pierre Sebilleau	
M. Constantin Vatikiotty	Greece
M. Alexandre C. Argyropoulo	
Colonel V.V. Savko	Soviet Union
Lt. N.N. Ceagalin	
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia
M. Čedomil Veljadić	

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events. (The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals Listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. Ward, opened the meeting and stated that Sir Noel Charles regretted not to be able to attend this meeting and explained that Sir Noel was away on leave. Mr. Ward noted that he considered it an honor to be associated with the Advisory Council

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M. Georges Balay M. Pierre Sebilleau	France
H. Constantin Vatikiotty H. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.M. Geegalia	Soviet Union
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka M. Čedomil Veljadić	Yugoslavia

The agenda for the meeting included the following items:

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4.) "Extradition to the Jugoslav Government of Italian War Criminals Listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. Ward, opened the meeting and stated that Sir Noel Charles regretted not to be able to attend this meeting and explained that Sir Noel was away on leave. Mr. Ward noted that he considered it an honor to be associated with the Advisory Council and hoped the Council would be indulgent with him since he had just arrived and was not familiar with the Council's procedure.

M. Balay, on behalf of the Council, expressed a welcome to Mr. Ward.

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1. Discussion of Italian Political Events.

The Chairman noted that the Council had the pleasure of having Admiral Stone attend the meeting and inquired whether any Representative wished to ask the Admiral any questions relating to Italian political events.

Dr. Smodlaka, with reference to an item published in the October 19, 1946 issue of the "Allied Commission Weekly Bulletin", inquired whether there was any significance attached to the redesignation of the "Allied Military Government, XIII Corps", as "Allied Military Government, Venezia Giulia".

Admiral Stone replied that the change was merely one of nomenclature and that no significance was attached to it.

Dr. Smodlaka stated that he had received a copy of AC Administrative Instruction No. 16 and inquired whether there was any significance attached to the redesignation of the "Displaced Persons and Repatriated Persons Subcommission" as the "Displaced Persons Division of the Allied Commission".

Admiral Stone replied that the change in designation was due solely to administrative regroupings of the Allied Commission.

Colonel Savko also referred to the October 19, 1946 issue of the "Allied Commission Weekly Bulletin" and inquired whether any progress was made in the formation of the new Italian Constitution.

Admiral Stone replied that since February 1945, as the Representatives know, the Allied Commission has had no political control over the Italian Government, and stated that the Allied Commission was without data other than those published in the AC bulletins. He added that he felt, however, that the Italian authorities were making progress along democratic lines.

The Chairman, after ascertaining that none of the Representatives had any further questions to ask expressed, on behalf of the Council, appreciation to Admiral Stone for attending the meeting.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives had received additional instructions and, after ascertaining that none had, suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expense of the Italian Government.

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the "Allied Military Government, XIII Corps, Lt. General Morgan, Governor, Venezia Giulia".

Admiral Stone replied that the change was merely one of nomenclature and that no significance was attached to it.

Dr. Smodlaka stated that he had received a copy of AC Administrative Instruction No. 16 and inquired whether there was any significance attached to the redesignation of the "Displaced Persons and Repatriated Persons Subcommission" as the "Displaced Persons Division of the Allied Commission".

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The Chairman inquired whether any of the Representatives had received additional instructions and, after ascertaining that none had, suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included two Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

The Chairman stated that he understood that the Council was waiting for a reply to its last letter addressed to SACMED regarding this item, but that to date the Council had not yet received the awaited reply.

Dr. Smodlaka inquired whether Admiral Stone had received any information in the premises.

Admiral

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Admiral Stone stated that the reply which the Council will receive would be based on data compiled by the Allied Commission and, in this connection, he wished to assure the Council that this work has first priority in work of the Allied Commission. He stated that he hoped to have the report concluded in time for the next meeting and that the Allied Commission was doing all it can to expedite the matter.

The Chairman expressed appreciation to the Admiral for pursuing the matter vigorously.

4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

The Chairman stated that this item had been placed on the agenda at the request of the Jugoslav Acting Representative and inquired whether Dr. Gsodlaka wished to make any statement thereon.

Dr. Gsodlaka presented the following statement:

"On behalf of the Jugoslav Government I have the honour to state as follows:

1. By the Article 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: "Benito Mussolini, his chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations, will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with".

2. Upon request of the Jugoslav Government 716 Italians were listed by the United Nations War Crimes Commission until September 1946.

Mr. Attlee, in the absence of Mr. Bevin, in his note No. U. 8375/29/73 of 11 December 1946, informed the Jugoslav Ambassador in London that the Combined Chiefs of Staff had authorised the Supreme Allied Commander, Mediterranean, to hand over to Allied Governments criminals of Italian or other ex-enemy nationality wanted by them.

The Jugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Nov.br.16/46 and Nov.br.3[illegible]/46, dated 5 and 7 January 1946, from A.F.H.Q.: "A. To arrest without delay all Italian War Criminals who have been listed by the U.N. War Crimes Commission on proposal of Jugoslavia, in order to prevent their escape. "B. To hand them over to the Jugoslav Authorities".

After that Brig. Lush, in capacity of the Acting Chief Commissioner, informed me in his letter No. 4/29.9/CA of 16 February 1946, that A.F.H.Q. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War

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listed by the United Nations War Crimes Commission on Request of Yugoslavia".

The Chairman stated that this item had been placed on the agenda at the request of the Jugoslav Acting Representative and inquired whether Dr. Gsovdiska wished to make any statement thereon.

Dr. Gsovdiska presented the following statement:

"On behalf of the Jugoslav Government I have the honour to state as follows:

1. By the Article 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: "Benito Mussolini, his chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations, will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with".

2. Upon request of the Jugoslav Government 716 Italians were listed by the United Nations War Crimes Commission until September 1945.

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The Jugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Nov.br.16/45 and Nov.br.3[illegible] dated 5 and 8 January 1946, from A.F.H.Q.: "A. To arrest without delay all Italian War Criminals who have been listed by the U.N. War Crimes Commission on proposal of Jugoslavia, in order to prevent their escape. B. To hand them over to the Jugoslav Authorities".

After that Brig. Lush, in capacity of the Acting Chief Commissioner, informed me in his letter No. 4/20.3/CA of 16 February 1946, that A.F.H.Q. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War Criminals, i.e. that all requests will be addressed to M.G.A.C. who will take action in the matter and forward the requests to D.S.P. (SIB) c/o JAC, Naples. Brig. Lush informed me at the same occasion that orders to D.S.P. (SIB) to arrest persons listed by the War Crimes Commission have already been issued.

Since no Italian war criminal was handed over to Jugoslavia, I requested again in my letter Nov.br.273/46 of 28 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Jugoslav authorities".

Brig.

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Brig. Lush replied that the request has been passed to ATIS for action by ENEF (SHAEF)".

As even after that reply no one was handed over, I requested in my letter Pub.Br.872/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested to date may be forwarded to us.

Unexpectedly I received a letter from the Vice President, Civil Affairs section PMG.4/29.3/CA dated 6 August 1946, informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities", and "until that discussion is concluded it will not be possible to comply with" the request of the Jugoslav Representative A.C.I.

We were even more surprised with the explanation given to the Jugoslav Embassy in London from the British Foreign Office in their note No. U.505/71/73 of 17 July 1946, where it is supposed that "as the Jugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied Authorities is in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason why this matter, which has definitively been settled by the British and U.S. Governments, should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. I therefore addressed on 16 Oct. 1946, a new letter to SACMED (Pov.Br.1109/46), requesting again the extradition of the Italian war criminals on basis of the foresaid.

On 31 October 1946, I received through Admiral Stone the reply where it is stated that "since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of BOLZANO, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals".

4. I cannot consider as satisfactory the foregoing reply, 1910 because in actual juridical conditions the Allied Military Authorities in Italy have the duty to hand over to the Allied Governments war criminals of Italian or other ex-enemy nationality whose extradition is requested. This results clearly from Art. 29 of the "Additional Conditions of the Armistice with Italy", which is still in rigour. The same is confirmed also in the note from Mr. Attlee of 15 Dec. 1945, as quoted above, as well as in the letters of Brig. Lush quoted above. Since the date of these letters the juridical situation of this subject has not been changed. The Jugoslav Government being a member of the United Nations has the right to

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of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper authorities", and "until that discussion is concluded it will not be possible to comply with" the request of the Jugoslav Representative A.C.I.

We were even more surprised with the explanation given to the Yugoslav Embassy in London from the British Foreign Office in their note No. F.6605/91/75 of 17 July 1946, where it is supposed that "as the Jugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied Authorities is in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments, should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. I therefore addressed on 14 Oct. 1946, a new letter to SACMED (Prot.Br.1132/46 , requesting again the extradition of the Italian war criminals on basis of the foresaid.

On 30 October 1946, I received through Admiral Stone the reply where it is stated that "since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of UDINE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals".

4. I cannot consider as satisfactory the foregoing reply, because in actual juridical conditions the Allied Military Authorities in Italy have the duty to hand over to the Allied Governments war criminals of Italian or other ex-enemy nationality whose extradition is requested. This results clearly from Art. 29 of the "Additional Conditions of the Armistice with Italy", which is still in vigour. The same is confirmed also in the note from Mr. Attlee of 15 Dec. 1945, as quoted above, as well as in the letters of Amb. Bush quoted above. Since the date of these letters the juridical situation of this subject has not been changed. The Jugoslav Government being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Jugoslav Government and that all Italian war criminals listed on request of the Jugoslav Government be handed over.

5. With reference to the foregoing I have the honour to propose that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to:

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A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape;

B. to hand them over to the Jugoslav authorities."

Admiral Stone stated that he had addressed a letter on this subject to Dr. Brodlubs on October 21, 1946 and another follow-up letter on October 24, 1946 (copies of letters will be attached to final draft of minutes).

M. Daly noted that the French Government had also requested the extradition of three war criminals and had received the same reply as Dr. Brodlubs. He noted that the situation was embarrassing to the requesting government since, in view of the CCS directive, it cannot invoke the Armistice provisions and at the same time it cannot invoke the treaty provisions because they have as yet not been put into effect. Therefore, there appears to be no mechanism for the extradition of war criminals.

Dr. Kaeploka stated that the Armistice terms were in force and that the Combined Chiefs of Staff have not the right to change this without prior approval both of the Governments by whom the Armistice was concluded & the Governments in whose interest it was concluded.

Admiral Stone expressed the opinion that the CCS directive took into consideration the revised Armistice terms and that in accordance therewith requests for extradition should be made to the Italian Government. Admiral Stone noted that, in case any Representative questioned the validity of the CCS ruling, he had been instructed by SACMED to advise the Representative that he should pursue the matter, through diplomatic channels, with the American and British Governments.

Colonel Davis stated that he had no comments to make at this time.

Dr. Noble noted that since he had not had time to examine the question presented by the Jugoslav Representative, he had no comments to offer and would report the matter to his Government.

Mr. Baer noted that his position was basically the same as that of his American colleague; he considered this question a matter of importance and delicacy and would report it to his Government. He further stated that he had no comments to make on the CCS directive. He felt that if the Jugoslav Representative objected to this particular directive he should, in accordance with Admiral Stone's suggestion, take the matter up through diplomatic channels.

Mr. Vatikiotty stated that he had no comments to make and that he would inform his Government.

M. Daly stated, with reference to the reply he received regarding the French request for extradition of three war criminals, that he had communicated Admiral Stone's reply to his Government and that presumably the matter would be taken up with Washington and London.

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tober 24, 1946 (copies of letters will be attached to final draft of minutes).

M. Baley noted that the French Government had also requested the extradition of three war criminals and had received the same reply as Dr. Sendicke. He noted that the situation was embarrassing to the requesting government since, in view of the CCS directive, it cannot invoke the Armistice provisions and at the same time it cannot invoke the treaty provisions because they have as yet not been put into effect. Therefore, there appears to be no mechanism for the extradition of war criminals.

Dr. Sendicke stated that the Armistice terms were in force and that the Combined Chiefs of Staff have not the right to change this without prior approval both of the Governments by whom the Armistice was concluded & the Governments in whose interest it was concluded.

Admiral Stone expressed the opinion that the CCS directive took into consideration the revised Armistice terms and that in accordance therewith requests for extradition should be made to the Italian Government. Admiral Stone noted that, in case any representative questioned the validity of the CCS ruling, he had been instructed by SACMED to advise the Representative that he should pursue the matter, through diplomatic channels, with the Russian and British Governments.

Colonel Davis stated that he had no comments to make at this time.

Mr. Cochie noted that since he had not had time to examine the question presented by the Yugoslav Representative, he had no comments to offer and would report the matter to his Government.

Mr. Caird noted that his position was basically the same as that of his American colleague; he considered this question a matter of importance and delicacy and would report it to his Government. He further stated that he had no comments to make on the CCS directive. He felt that if the Yugoslav Representative objected to this particular directive he should, in accordance with Admiral Stone's suggestion, take the matter up through diplomatic channels.

Mr. Vatikiotty stated that he had no comments to make and that he would inform his Government.

M. Baley stated, with reference to the reply he received regarding the French request for extradition of three war criminals, that he had communicated Admiral Stone's reply to his Government and that presumably the matter would be taken up with Washington and London.

There was no further discussion and the Chairman suggested that the matter be taken up at the next meeting.

5. Miscellaneous

The Council had no miscellaneous business to discuss.

6.

Declassified E.O. 12356 Section 3.3/NND No. 759045

6. Press Communique

The Council agreed to release the following press communique:

"The 50th meeting of the Advisory Council for Italy was held in Rome on October 25, 1946 under the chairmanship of the United Kingdom Acting Representative, Mr. John C. Ward. Other members of the Council present were:

M. Georges Daley	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John L. Hoshie	United States
Dr. Slovan J. Gvodiaka	Yugoslavia

Various questions were discussed.

Rear Admiral Hillary H. Stone, Chief Commissioner of the Allied Commission, attended the meeting".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on November 8 under the chairmanship of the United States Acting Representative.

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2 Appendixes:

Ltrs. fm CC dated

1) Oct. 21, 1946.

2) Oct. 24, 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 778015

M. Constantin Vafiklotty	Greece
Colonel V.V. Zenko	Soviet Union
Mr. John L. Cosmic	United States
Mr. Slovan J. Gandlaka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting.

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on November 25 under the chairmanship of the United States Acting Representative.

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2 Appendixes

Ltrs. fm CC dated

1) Oct. 21, 1946.

2) Oct. 24, 1946.

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J.L.C:bp

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Declassified E.O. 12356 section 3.3/NND No. 785045

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MINUTES OF THE 58th MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via XX Settembre 84 on October 25, 1946 under the chairmanship of Mr. John G. Ward, the United Kingdom Acting Representative on the Council. Present at the meeting were:

Mr. John G. Ward Mr. H.A.A. Hankey	United Kingdom
M. Georges Balay M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Discussion of Italian Political Events.
(The Chief Commissioner of the Allied Commission will be invited to attend).

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. Ward, opened the meeting and stated that Sir Noel Charles regretted not to be able to attend this meeting and explained that Sir Noel was away on leave. Mr. Ward noted that he considered it an honor to be associated with the Advisory Council

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Mr. John G. Ward Mr. H.A.A. Hankey	United Kingdom
M. Georges Balay M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Alexandre C. Argyropoulo	Greece
Colonel V.V. Savko Lt. N.I. Geegalin	Soviet Union
Mr. John L. Goshie	United States
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4.) "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

5.) Miscellaneous.

6.) Press Communique.

The Chairman, Mr. Ward, opened the meeting and stated that Sir Noel Charles regretted not to be able to attend this meeting and explained that Sir Noel was away on leave. Mr. Ward noted that he considered it an honor to be associated with the Advisory Council and hoped the Council would be indulgent with him since he had just arrived and was not familiar with the Council's procedure.

M. Balay, on behalf of the Council, expressed a welcome to Mr. Ward.

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1. Discussion of Italian Political Events.

The Chairman noted that the Council had the pleasure of having Admiral Stone attend the meeting and inquired whether any Representative wished to ask the Admiral any questions relating to Italian political events.

Dr. Smodlaka, with reference to an item published in the October 19, 1946 issue of the "Allied Commission Weekly Bulletin", inquired whether there was any significance attached to the redesignation of the "Allied Military Government, XIII Corps", as "Allied Military Government, Venezia Giulia".

Admiral Stone replied that the change was merely one of nomenclature and that no significance was attached to it.

Dr. Smodlaka stated that he had received a copy of AC Administrative Instruction No. 16 and inquired whether there was any significance attached to the redesignation of the "Displaced Persons and Repatriated Persons Subcommission" as the "Displaced Persons Division of the Allied Commission".

Admiral Stone replied that the change in designation was due solely to administrative regroupings of the Allied Commission.

Colonel Savko also referred to the October 19, 1946 issue of the "Allied Commission Weekly Bulletin' and inquired whether any progress was made in the formation of the new Italian Constitution.

Admiral Stone replied that since February 1945, as the Representatives knew, the Allied Commission has had no political control over the Italian Government, and stated that the Allied Commission was without data other than those published in the AC bulletins. He added that he felt, however, that the Italian authorities were making progress along democratic lines.

The Chairman, after ascertaining that none of the Representatives had any further questions to ask expressed, on behalf of the Council, appreciation to Admiral Stone for attending the meeting.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives had received additional instructions and, after ascertaining that none had, suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian

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19, 1946 issue of the "Allied [illegible] Weekly Bulletin", [illegible] whether there was any significance attached to the redesignation of the "Allied Military Government, XIII Corps", as "Allied Military Government, Venezia Giulia".

Admiral Stone replied that the change was merely one of nomenclature and that no significance was attached to it.

Dr. Smodlaka stated that he had received a copy of AC Administrative Instruction No. 16 and inquired whether there was any significance attached to the redesignation of the "Displaced Persons and Repatriated Persons Subcommission" as the "Displaced Persons Division of the Allied Commission".

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This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

The Chairman stated that he understood that the Council was waiting for a reply to its last letter addressed to SACMED regarding this item, but that to date the Council had not yet received the awaited reply.

Dr. Smodlaka inquired whether Admiral Stone had received any information in the premises.

Admiral

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Admiral Stone stated that the reply which the Council will receive would be based on data compiled by the Allied Commission and, in this connection, he wished to assure the Council that this work has first priority in work of the Allied Commission. He stated that he hoped to have the report concluded in time for the next meeting and that the Allied Commission was doing all it can to expedite the matter.

The Chairman expressed appreciation to the Admiral for pursuing the matter vigorously.

4. "Extradition to the Jugoslav Government of Italian War Criminals listed by the United Nations War Crimes Commission on Request of Jugoslavia".

The Chairman stated that this item had been placed on the agenda at the request of the Jugoslav Acting Representative and inquired whether Dr. Smodlaka wished to make any statement thereon.

Dr. Smodlaka presented the following statement:

"On behalf of the Jugoslav Government I have the honour to state as follows:

1. By the Article 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: 'Benito Mussolini, his chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations, will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with'.

2. Upon request of the Jugoslav Government 716 Italians were listed by the United Nations War Crimes Commission until September 1946.

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Mr. Attlee, in the absence of Mr. Bevin, in his note No. U. 8375/29/73 of 15 December 1945, informed the Jugoslav Ambassador in London that the Combined Chiefs of Staff had authorized the Supreme Allied Commander, Mediterranean, to hand over to Allied Governments criminals of Italian or other ex-enemy nationality wanted by them.

The Jugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Pov.br.16/46 and Pov.br.37/46 dated 5 and 8 January 1946, from A.F.H.Q.: "A. To arrest without delay all Italian War Criminals who have been listed by the U.N. War Crimes Commission on proposal of Jugoslavia, in order to prevent their escape. "B. To hand them over to the Jugoslav Authorities".

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Since no Italian war criminal was handed over to Jugoslavia, I requested again in my letter Pov.br.273/46 of 28 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Jugoslav authorities". Brig. Lush replied that the "request has been passed to AFHQ for action by DAMP (SIB)".

As even after that reply no one was handed over, I requested in my letter Pov.br.677/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested to date may be forwarded to us.

Unexpectedly I received a letter from the Vice President, Civil Affairs section (No.4/29.8/CA dated 6 August 1946), informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities", and "until that discussion is concluded it will not be possible to comply with" the request of the Jugoslav Representative A.C.I.

We were even more surprised with the explanation given to the Jugoslav Embassy in London from the British Foreign Office in their note No. U.605/71/73 of 17 July 1946, where it is supposed that "as the Jugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration."

The foregoing viewpoint of the Allied Authorities is in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments, should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. I therefore addressed on 14 Oct. 1946, a new letter to SACMED (Pov.br.1128/46), requesting again the extradition of the Italian war criminals on basis of the foresaid.

On 21 October 1946, I received through Admiral Stone the reply where it is stated that "since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of UDINE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals".

4. I cannot consider as satisfactory the foregoing reply, because in actual juridical conditions the Allied Military Authorities in Italy have the duty to hand over to the Allied Governments war criminals of Italian or other ex-enemy nationality whose extradition is requested. This results clearly from Art. 29 of the"Additional Conditions of the Armistice with Italy", which is still

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Declassified E.O. 12356 Section 3.3/NSD Nr. 78-0006/5

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We were even more surprised with the explanation given to the Jugoslav Embassy in London from the British Foreign Office in their note No. U.605/71/73 of 17 July 1946, where it is supposed that "as the Jugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration."

The foregoing viewpoint of the Allied Authorities is in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments, should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. I therefore addressed on 14 Oct. 1946, a new letter to SACMED (Pov.br.1128/46), requesting again the extradition of the Italian war criminals on basis of the foresaid.

On 21 October 1946, I received through Admiral Stone the reply where it is stated that "since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of UDINE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals".

4. I cannot consider as satisfactory the foregoing reply, because in actual juridical conditions the Allied Military Authorities in Italy have the duty to hand over to the Allied Governments war criminals of Italian or other ex-enemy nationality whose extradition is requested. This results clearly from Art. 29 of the"Additional Conditions of the Armistice with Italy", which is still in vigour. The same is confirmed also in the note from Mr. Attlee of 15 Dec. 1945, as quoted above, as well as in the letters of Brig. Lush quoted above. Since the date of these letters the juridical situation of this subject has not been changed. The Jugoslav Government being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Jugoslav Goverrment and that all Italian war criminals listed on request of the Jugoslav Government be handed over.

5.

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5. With reference to the foregoing I have the honour to propose that the Advisory Council for Italy may advise the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to:

A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape;
B. to hand them over to the Jugoslav Authorities."

Admiral Stone stated that he had addressed a letter on this subject to Dr. Smodlaka on October 21, 1946 and another follow-up letter on October 24, 1946 (copies of letters are attached as appendix #1 and appendix #2).

M. Balay noted that the French Government had also requested the extradition of three war criminals and had received the same reply as Dr. Smodlaka. He noted that the situation was embarressing to the requesting government since, in view of the CCS directive, it cannot invoke the Armistice provisions and at the same time, it can not invoke the treaty provisions because they have as yet not been put into effect. Therefore, there appears to be no mechanism for the extradition of war criminals.

Dr. Smodlaka stated that the Armistice terms were in force and that the Combined Chiefs of Staff have not the right to change this without prior approval both of the Governments by whom the Armistice was concluded and the Governments in whose interest it was concluded.

Admiral Stone expressed the opinion that the CCS directive took into consideration the revised Armistice terms and that in accordance therewith requests for extradition should be made to the Italian Government. Admiral Stone noted that, in case any Representative questioned the validity of the CCS ruling, he had been instructed by SACMED to advise the Representative that he should pursue the matter, through diplomatic channels, with the American and British Governments.

Colonel Savko stated that he had no comments to make at this time.

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Mr. Goshie noted that since he had not had time to examine the question presented by the Jugoslav Representative, he had no comments to offer and would report the matter to his Government.

Mr. Ward noted that his position was basically the same as that of his American colleague; he considered this question a matter of importance and delicacy and would report it to his Government. He further stated that he had no comments to make on the CCS directive. He felt that if the Jugoslav Representative objected to this particular directive he should, in accordance with Admiral Stone's suggestion, take the matter up through diplomatic channels.

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Declassified E.O. 12356 Section 3.3/NND No. 785065

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B. to hand them over to the Jugoslav Authorities."

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Mr. Vatikiotty stated that he had no comments to make and that he would inform his Government.

M. Balay stated, with reference to the reply he received regarding the French request for extradition of three war criminals, that he had communicated Admiral Stone's reply to his Government and that presumably the matter would be taken up with Washington and London.

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Declassified E.O. 12356 Section 3.3/NND No. 787005

There was no further discussion and the Chairman suggested that the matter be taken up at the next meeting.

5. Miscellaneous

The Council had no miscellaneous business to discuss.

6. Press Communique

The Council agreed to release the following press communique:

"The 58th meeting of the Advisory Council for Italy was held in Rome on October 25, 1946 under the chairmanship of the United Kingdom Acting Representative, Mr. John G. Ward. Other members of the Council present were:

M. Georges Balay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting."

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on November 22 under the chairmanship of the United States Acting Representative.

- - - - - - - -

2 Appendixes:

Letters from Admiral Stone dated
1) October 21, 1946
2) October 24, 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

The Council agreed to release the following press communique:

"The 58th meeting of the Advisory Council for Italy was held in Rome on October 25, 1946 under the chairmanship of the United Kingdom Acting Representative, Mr. John G. Ward. Other members of the Council present were:

M. Georges Balay	France
M. Constantin Vatikiotty	Greece
Colonel V.V. Savko	Soviet Union
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting."

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on November 22 under the chairmanship of the United States Acting Representative.

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2 Appendixes:

Letters from Admiral Stone dated
1) October 21, 1946
2) October 24, 1946.

JLG:hp

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Declassified E.O. 12356 Section 3.3/NND No. 778515

APPENDIX #1

TO MINUTES OF 58th MEETING OF ADVISORY COUNCIL FOR ITALY

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 794

Ref: 4/29.8/B/CA

21 October 1946.

My dear Doctor Smodlaka,

Your letter Pov.br.1128/46 of 14 October 1946 addressed to the Supreme Allied Commander on the subject of your previous requests for the arrest and handing over of all Italian war criminals who have been listed by the United Nations War Crimes Commission was just about to be transmitted when new instructions from AFHQ made it unnecessary.

I have been instructed to inform you that since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of UDINE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals.

Very truly yours,

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ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Doctor Sloven J. Smodlaka,
Yugoslav Representative to the A.C.I.
ROME.

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Declassified E.O. 12356 Section 3.3/NND No. 763015

Office of the Chief Commissioner

APO 794

Ref: 4/29.8/B/CA 21 October 1946.

My dear Doctor Smodlaka,

Your letter Pov.br.1128/46 of 14 October 1946 addressed to the Supreme Allied Commander on the subject of your previous requests for the arrest and handing over of all Italian war criminals who have been listed by the United Nations War Crimes Commission was just about to be transmitted when new instructions from AFHQ made it unnecessary.

I have been instructed to inform you that since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of UDINE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals.

Very truly yours,

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ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Doctor Sloven J. Smodlaka,
Yugoslav Representative to the A.C.I.
ROME.

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Declassified E.O. 12356 Section 3.3/NND No. 770045

APPENDIX #2

TO MINUTES OF 58th MEETING OF ADVISORY COUNCIL FOR ITALY

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

A P O 794

Ref: 4/29.8/B/CA

24 October 1946

My dear Doctor Smodlaka,

I refer to my letter No. 4/29.8/B/CA of the 21 October 1946.

In order to make the position quite clear, I am writing to inform you that the instructions referred to in the second paragraph of my letter of 21 October came from the Supreme Allied Commander who, in turn, had received them from the Combined Chiefs of Staff.

Very truly yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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Declassified E.O. 12356 Section 3.3/NNB No. 785045

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, November 19, 1946

The next meeting of the Advisory Council for Italy, scheduled for November 22, 1946, 1630 hours, will be held at Via Vittorio Veneto 119, under the chairmanship of the United States Acting Representative on the Council.

Enclosure:

Agenda of 50th Meeting.

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Rear Admiral Ellery W. Stone,

Chief Commissioner,

Allied Commission,

Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 780015

A G E N D A

OF THE NOVEMBER 22, 1946

M E E T I N G

OF THE ADVISORY COUNCIL FOR ITALY

* * * * * *

I.) DISCUSSION OF ITALIAN POLITICAL EVENTS. (The Chief Commissioner of the Allied Commission will be invited to attend)

II.) STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING DISCONTINUANCE OF PROVISION OF FUNDS BY THE OCCUPIED COUNTRIES ON STAFF TO THE SOVIET DELEGATION AND REIMBURSEMENT FOR PAST ADVANCES".

III.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE JUGOSLAV MERCHANT SHIPS, WHICH SHOULD BE SALVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

IV.) "EXTRADITION TO THE JUGOSLAV GOVERNMENT OF ITALIAN WAR CRIMINALS LISTED BY THE UNITED NATIONS WAR CRIMES COMMISSION OR INTERNED IN VENEZIA".

V.) MISCELLANEOUS.

VI.) PRESS COMMUNIQUE.

* * * * *

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SECRET

Distribution: Polad A
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PRIORITY

United Commissioner

MAURY M. STONE
Rear Admiral, USNR
United Commissioner

JOHN WAYNE
Major
ADJT

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Declassified E.O. 12356 Section 3.3/NND No. 785015

PRESS COMMUNIQUE

The 56th meeting of the Advisory Council for Italy was held in Rome on October 25, 1945 under the chairmanship of the United Kingdom Acting Representative, Mr. John G. Ward. Other members of the Council present were:

M. Georges Daby	France
M. Alexandre C. Argyropoulo	Greece
Colonel V.T. Savko	Soviet Union
Mr. John L. Gonzio	United States
Dr. Slaven J. Gradisnik	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, attended the meeting.

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HEADQUARTERS ALLIED COMMISSION

APO 794

Office of the Executive Commissioner

25th October 1946

To: Chief Commissioner.

1. Of the 18 items of property, no further action can be taken on five until action has been taken by the Jugoslav authorities. In each case separate letters have been despatched to the Jugoslavs.

As regards the remaining 13, no information has yet been received from the Ministry of Foreign Affairs as to the result of their enquiries with the various Government departments.

2. As regards ships, action is being taken in some cases with the C-in-C Med. on the basis of the Cunningham-Decourten agreement which refers specifically to ships in Italian possession which previously belonged to any of the United Nations.

The majority of the ships are affected by information still required from the Italian Ministry of Marine.

In a few cases, further information is awaited from the Jugoslav authorities.

Generally the matter is affected by a ruling which is awaited from C-in-C Med. regarding handing back ships in good condition.

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M. CARR, Brigadier.
Executive Commissioner.

See [illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, December 23, 1946

The Secretariat has the honor to transmit herewith copies (5) 57 of the minutes of the fifty-seventh meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 57th Meeting.

1597

Major General Mary W. Stone,

Chief Commissioner,

Allied Commission,

Rome.

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MINUTES OF THE 57th MEETING OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Villa Abamelek on September 27, 1946 under the chairmanship of Colonel V.V. Savko, the Soviet Union Acting Representative on the Council. Present at the meeting were:

Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
M. Georges Balay M. Pierre Sebilleau	France
Mr. Alexandre C. Argyropoulo Mr. Constantin Himarios	Greece
Sir Noel Charles Mr. H.A.A. Hankey	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) 'Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

2.) 'Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

3.) Miscellaneous.

4.) Press Communique.

After the Chairman opened the meeting, before going over to the first item of the agenda, Dr. Smodlaka presented the following statement:

1396

'I cannot consider as valid the Minutes of the 56th Meeting of the Advisory Council for Italy as far as the following is reproduced therein as my statement:

'Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a substitute for the Admiral's regular report to the Advisory Council for Italy'. (Page 4, para 8).

The secretary of the Jugoslav Delegation, Mr. Veljacic, following my instructions informed the Secretariat A.C.I. two times that the Jugoslav Delegate does not agree with the formulation of his

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M. Pierre Sebilleau		
Mr. Alexandre C. Argyropoulo	Greece	
Mr. Constantin Himarios		
Sir Noel Charles	United Kingdom	
Mr. H.A.A. Hankey		
Mr. John L. Goshie	United States	
Dr. Sloven J. Smodlaka	Yugoslavia	
M. Čedomil Veljačić		

The agenda for the meeting included the following items:

1.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

2.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

3.) Miscellaneous.

4.) Press Communique.

After the Chairman opened the meeting, before going over to the first item of the agenda, Dr. Smodlaka presented the following statement:

1896

"I cannot consider as valid the Minutes of the 56th Meeting of the Advisory Council for Italy as far as the following is reproduced therein as my statement:

> 'Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a substitute for the Admiral's regular report to the Advisory Council for Italy'. (Page 4, para 8).

The secretary of the Jugoslav Delegation, Mr. Veljacic, following my instructions informed the Secretariat A.C.I. two times that the Jugoslav Delegate does not agree with the formulation of his statement and that it will be corrected.

The correction of the Minutes was requested by the note Br. 1436/46 of 26 September 1946 from the Jugoslav Delegation to the Secretariat A.C.I., but the Chief of the Secretariat refused to do so.

I therefore request that the sentence quoted above be corrected as follows:

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Declassified E.O. 12356 Section 3.3/NND No. 760045

'Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a new form only of Admiral Stone's report to the Advisory Council for Italy. In this case the regular report will remain on the agenda of the future meetings of the Council, just as it was before'

As a consequence of this correction of the minutes I also request that to today's agenda there may be added as the first item the 'Political Report of Rear Admiral E.W. Stone'."

Mr. Goshie, with reference to the foregoing statement presented by the Jugoslav Representative, stated that he had waited, in his capacity as Chief of the Secretariat, with the preparation and release of the final draft of the minutes of the meeting until the morning of September 26, i.e. twenty-four hours prior to today's meeting, and that since the Secretary of the Jugoslav Delegation had indicated to him that Dr. Smodlaka may not return to Rome until after the meeting, he had thought it advisable to release the draft of the minutes (which had been approved by all Delegations, except the Jugoslav) in time for today's meeting. Mr. Goshie pointed out that he did not receive the amendments to the minutes of the 56th meeting, proposed by the Jugoslav Representative, until after the minutes had been circulated. He stated that he advised the Secretary of the Jugoslav Delegation at the time when the latter brought him the Jugoslav note Br.1436/46 of September 26 (see Appendix 1), that since the amendments prepared by the Jugoslav Representative would in effect alter the agreement on this subject reached by the Council at the last meeting, it would appear appropriate for the Jugoslav Representative to submit this question to the Council rather than request an amendment of the minutes on this point without the concurrence of the other Representatives.

The Chairman summing up the question under discussion stated that it included two problems: 1. the correction of the minutes of the last meeting and 2. inserting of the "Political Report by Rear Admiral Stone" as the first item in today's agenda. As to the first point the Chairman expressed the opinion that the Secretariat should make the correction of the minutes of the 56th meeting as requested by Dr. Smodlaka. As to the second point the Chairman confirmed that it has been agreed at the last meeting that Admiral Stone will answer questions in connection with the Bulletin of the A.C., which will be considered in future as his regular reports to the Council. Since this discussion will remain a part of the work of the Council, it must be comprised by an item of the agenda. The Chairman considered therefore that the respective item should remain on the agenda of future meetings of the A.C.I., though the formulation of the item may be modified.

Mr. Goshie stated that he did not recall that the Jugoslav Representative made a request at the last meeting to the effect that "the regular report will remain on the agenda of the future meetings of the Council, just as it was before". He inquired whether any other Representative recalled the statement which the Jugoslav Representative now proposed as an amendment to the minutes of the last meeting.

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Mr. Goshie, with reference to the foregoing statement presented by the Jugoslav Representative, stated that he had waited, in his capacity as Chief of the Secretariat, with the preparation and release of the final draft of the minutes of the meeting until the morning of September 26, i.e. twenty-four hours prior to today's meeting, and that since the Secretary of the Jugoslav Delegation had indicated to him that Dr. Smodlaka may not return to Rome until after the meeting, he had thought it advisable to release the draft of the minutes (which had been approved by all Delegations, except the Jugoslav) in time for today's meeting. Mr. Goshie pointed out that he did not receive the amendments to the minutes of the 56th meeting, proposed by the Jugoslav Representative, until after the minutes had been circulated. He stated that he advised the Secretary of the Jugoslav Delegation at the time when the latter brought him the Jugoslav note Br.1436/46 of September 26 (see Appendix 1), that since the amendments proposed by the Jugoslav Representative would in effect alter the agreement on this subject reached by the Council at the last meeting, it would appear appropriate for the Jugoslav Representative to submit this question to the Council rather than request an amendment of the minutes on this point without the concurrence of the other Representatives.

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Mr. Goshie stated that he did not recall that the Jugoslav Representative made a request at the last meeting to the effect that "the regular report will remain on the agenda of the future meetings of the Council, just as it was before". He inquired whether any other Representative recalled the statement which the Jugoslav Representative now proposed as an amendment to the minutes of the last meeting.

Sir Noel Charles stated that he did not recall the statement in question.

M. Balay stated that he too did not recall this particular statement.

Admiral Stone also went on record as not recalling the statement under discussion.

Sir

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Declassified E.O. 12356 Section 3.3/NND No. 763015

Sir Noel Charles stated that he felt that in view of the fact that current political events in Italy were reported adequately in the public press that it was no longer necessary for the Chief Commissioner of the Allied Commission to submit special reports to the Advisory Council for Italy, especially since the Allied Commission had ceased to exercise any control over Italian political activities. He added that therefore he wished to go on record as being opposed to the idea of requesting the Chief Commissioner to submit regular periodic political reports to the Advisory Council.

Mr. Goshie associated himself with Sir Noel Charles.

M. Belay stated that he agreed with the views expressed by Sir Noel Charles, but that he felt the Council should be given an opportunity to raise questions on this subject at its meetings.

Sir Noel Charles stated that it was understood that the Representatives were entitled to raise questions of interest to the Council at its meetings.

Dr. Smodlaka stated that he insisted on the views expressed in his statement.

The Chairman stated that it would appear that the Council had no objections to leaving an item on the discussion of Italian events on the agenda.

Sir Noel Charles stated that naturally he had no objections to a discussion of Italian affairs but that he would like to have the submission of political reports discontinued.

The Chairman inquired whether anybody had any suggestions to make.

Mr. Goshie, with reference to the amendment to the minutes of the last meeting, proposed by the Jugoslav Representative, stated that since several Representatives of the Council, as well as Admiral Stone, have stated definitely that they do not recall that the Jugoslav Representative did make the statement which he now proposed as an amendment to the last minutes, and that since acceptance of this proposed amendment would in effect change the agreement on this point reached at the last meeting, that therefore he could not agree to a modification of the minutes of the last meeting. He added that if the Representatives of the Council so desired he was willing to agree to the inclusion on the agenda of an item providing for a discussion of Italian political events.

Dr. Smodlaka inquired as to the proposed wording of the first item of the agenda and suggested that it be formulated with an indication that the Council discussed political events in the presence of Admiral Stone. The same formulation should be included in the press communique.

M. Balay proposed that the press communique merely indicate that Admiral Stone, Chief Commissioner of the Allied Commission, attended the meeting.

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1694

Mr. Goshie associated himself with Sir Noel Charles.

M. Balay stated that he agreed with the views expressed by Sir Noel Charles, but that he felt the Council should be given an opportunity to raise questions on this subject at its meetings.

Sir Noel Charles stated that it was understood that the Representatives were entitled to raise questions of interest to the Council at its meetings.

Dr. Smodlaka stated that he insisted on the views expressed in his statement.

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Dr. Smodlaka inquired as to the proposed wording of the first item of the agenda and suggested that it be formulated with an indication that the Council discussed political events in the presence of Admiral Stone. The same formulation should be included in the press communique.

M. Balay proposed that the press communique merely indicate that Admiral Stone, Chief Commissioner of the Allied Commission, attended the meeting.

Sir Noel Charles, Mr. Argyropoulo, and Mr. Goshie supported M. Balay's proposal.

Dr. Smodlaka again expressed insistence on a correction of the minutes of the 56th meeting and on the inclusion of a political report on the agenda.

The

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Declassified E.O. 12356, Section 3.3/NND No. 778005

The Chairman stated that it appeared that the Council agreed to retain on the agenda a discussion of Italian political events. After further discussion, the Chairman ascertained that the Council was agreeable to including the following item on the agenda:

'Discussion of Italian Political Events,
(The Chief Commissioner of the Allied Commission will be invited to attend)"

In accordance with the agreement reached on this point the Council decided to amend the agenda of today's meeting by including as item 1.) 'DISCUSSION OF ITALIAN POLITICAL EVENTS (The Chief Commissioner of the Allied Commission will be invited to attend)." The Council took no action toward amending the minutes of the last meeting.

1. Discussion of Italian Political Events (The Chief Commissioner of the Allied Commission will be invited to attend).

The Chairman inquired whether any of the Representatives had any questions to ask regarding the Allied Commission's weekly report which had been circulated.

Dr. Smodlaka inquired whether AFHQ were about to be transferred from Caserta to Padua.

Admiral Stone stated that no decision had been taken to move AFHQ. He noted, however, that it had been decided to transfer to Padua the Headquarters of the Central Mediterranean Forces which is the British component of the Allied Forces in Italy.

Dr. Smodlaka inquired whether SACMED would stay in Caserta or be in Padua.

Admiral Stone reported that SACMED would stay in Caserta.

Dr. Smodlaka inquired as to the reasons of this proposed change.

Admiral Stone stated that the reasons were due to a desire for a better administrative integration and economy in British military manpower.

Dr. Smodlaka referred to an item in the August 31st bulletin reporting Professor Royse's trip to this theater to study the problem of displaced persons and inquired whether the results of this trip had been published.

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Admiral Stone noted that the item referred to by the Jugoslav Representative was merely a news item, as the Allied Commission had received it, and stated that Prof. Royse was not traveling under orders of AFHQ or Allied Commission and had not made any report nor was he required to make one.

Dr. Smodlaka noted that Prof. Royse was accompanied by Colonel Finley of the Allied Commission.

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as item 1.) [illegible] missioner of the Allied Commission will be invited to attend)." The Council took no action toward amending the minutes of the last meeting.

1. Discussion of Italian Political Events (The Chief Commissioner of the Allied Commission will be invited to attend).

The Chairman inquired whether any of the Representatives had any questions to ask regarding the Allied Commission's weekly report which had been circulated.

Dr. Smodlaka inquired whether AFHQ were about to be transferred from Caserta to Padua.

Admiral Stone stated that no decision had been taken to move AFHQ. He noted, however, that it had been decided to transfer to Padua the Headquarters of the Central Mediterranean Forces which is the British component of the Allied Forces in Italy.

Dr. Smodlaka inquired whether SACMED would stay in Caserta or be in Padua.

Admiral Stone reported that SACMED would stay in Caserta.

Dr. Smodlaka inquired as to the reasons of this proposed change.

Admiral Stone stated that the reasons were due to a desire for a better administrative integration and economy in British military manpower.

Dr. Smodlaka referred to an item in the August 31st bulletin reporting Professor Royse's trip to this theater to study the problem of displaced persons and inquired whether the results of this trip had been published.

1893

Admiral Stone noted that the item referred to by the Jugoslav Representative was merely a news item, as the Allied Commission had received it, and stated that Prof. Royse was not traveling under orders of AFHQ or Allied Commission and had not made any report nor was he required to make one.

Dr. Smodlaka noted that Prof. Royse was accompanied by Colonel Finley of the Allied Commission.

Admiral Stone replied that the Colonel accompanied the Professor as a gesture of courtesy only.

Dr. Smodlaka inquired whether Prof. Royse had visited all displaced persons camps or only Allied Commission camps.

Admiral Stone replied that the Professor had visited Allied Commission and UNRRA camps.

Colonel

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Colonel Savko referred to an item in the September 21st bulletin, according to which an Italian Center Party was about to be created and inquired whether this Party would be a mass party.

Admiral Stone stated that he was unable to answer Colonel Savko's question since the item he referred to was merely a rumor and published as such.

The Chairman thanked the Admiral for the information he had given to the Council.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives had received additional instructions and after ascertaining that none had, he suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government."

Dr. Smodlaka inquired whether ACI had received any reply to its last letter addressed to AFHQ in September.

The Chairman inquired whether Mr. Goshie could answer this question.

Mr. Goshie stated that to date a reply had not been received by the Secretariat of the Council.

Admiral Stone reported that he had called AFHQ which had expressed regret for not having been able to forward a reply as yet but hoped to have a reply for the Council at its next meeting.

Dr. Smodlaka suggested that the Council address another communication to AFHQ, soliciting a reply to its letter in the premises. 1592

All Representatives agreed with this suggestion.

4. Miscellaneous

The Council had no miscellaneous business to discuss.

5. Press Communique

Colonel Savko suggested that the regular press communique be amended to read that the Council discussed Italian political events in the presence of Admiral Stone.

Sir Noel Charles suggested that the last paragraph of the usual press communique merely indicate that the Chief Commissioner of the

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Declassified E.O. 12356 Section 3.3/NND No. 759015

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

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This suggestion was agreeable to all Representatives.

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Mr. Goshie stated that to date a reply had not been received by the Secretariat of the Council.

Admiral Stone reported that he had called AFHQ which had expressed regret for not having been able to forward a reply as yet but hoped to have a reply for the Council at its next meeting.

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All Representatives agreed with this suggestion.

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The Council had no miscellaneous business to discuss.

5. Press Communique

Colonel Savko suggested that the regular press communique be amended to read that the Council discussed Italian political events in the presence of Admiral Stone.

Sir Noel Charles suggested that the last paragraph of the usual press communique merely indicate that the Chief Commissioner of the Allied Commission attended the meeting.

After further discussion the Chairman ascertained that the Council was agreeable to releasing the following press communique:

"The 57th meeting of the Advisory Council for Italy was held in Rome on September 27, 1946 under the chairmanship of the USSR Acting Representative, Colonel V.V. Savko. Other members of the Council present were:

M.

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Declassified E.O. 12356 Section 3.3/NND No. 739065

M. Georges Balay	France
M. Alexandre Argyropoulo	Greece
Sir Noel Charles	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission attended the meeting".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on October 25 under the chairmanship of the Representative of the United Kingdom.

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APPENDIX #1

Note Br.1436/46 of September 26, 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 785845

Various questions were discussed.

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission attended the meeting".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on October 25 under the chairmanship of the Representative of the United Kingdom.

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APPENDIX #1

Note Br.1436/46 of September 26, 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

APPENDIX #1

TO MINUTES OF 57th MEETING OF ADVISORY COUNCIL FOR ITALY

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.1436/46

1. The Jugoslav Delegation to the Advisory Council for Italy has the honour to request the Secretariat that in the Preliminary Draft of the Minutes of the 56th Meeting the following correction may be inserted:

Page 2, para 4: "Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a new form only of Admiral Stone's report to the Advisory Council for Italy. In this case the regular report will remain on the agenda of the future meetings of the Council, just as it was before".

2. The Jugoslav Delegation to the Advisory Council for Italy has also the honour to request the Secretariat that the item "Political Report of Rear Admiral E.W. Stone" may be inserted in the agenda of the September 27, 1946 meeting, according to the request of our Secretary Mr. Veljacic to Miss Pass by phone, some days ago.

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ROME, 26 September 1946

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Declassified E.O. 12356 Section 3.3/NND No. 785075

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Declassified E.O. 12356 Section 3.3/NND No. 788015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, October 22, 1946.

The next meeting of the Advisory Council for Italy, scheduled for October 25, 1946, 1030 hours, will be held at the British Embassy on Via XX Settembre 84, under the chairmanship of the United Kingdom Representative on the Council.

Enclosure:

Agenda of 58th Meeting.

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Rear Admiral Ellery W. Stone,

Chief Commissioner,

Allied Commission

Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 788015

A G E N D A

OF THE OCTOBER 25, 1946

M E E T I N G

OF THE ADVISORY COUNCIL FOR ITALY

* * * * * * *

I 1.) DISCUSSION OF ITALIAN POLITICAL EVENTS.
(The Chief Commissioner of the Allied Comission will be invited to attend).

II 2.) "STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING DISCONTINUANCE OF PROVISION OF TROOPS BY THE COMBINED CHIEFS OF STAFF TO THE SOVIET DELEGATION AND REINFORCEMENT FOR FAR EAST ADVANCES".

III 3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF YUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE YUGOSLAV MERCHANT SHIPS, WHICH SHOULD BE SALVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

IV 4.) "EXTRADITION TO THE YUGOSLAV GOVERNMENT OF ITALIAN WAR CRIMINALS LISTED BY THE UNITED NATIONS WAR CRIMES COMMISSION ON REQUEST OF YUGOSLAVIA".

V 5.) MISCELLANEOUS.

VI 6.) PEACE CONFERENCE.

* * * * * *

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Aide memoire by YU delegate
(Reader ref. doc. 82, 1947) [illegible]
[illegible]

On behalf of the Jugoslav Government I have the honour to state as follows:

1. By the article [illegible] of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: "Benito Mussolini, his chief Fascist associated and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations, will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with."

2. Upon request of the Jugoslav Government 716 Italians were listed by the United Nations War Crimes Commission until September 1946.

Mr. Attlee, in the absence of Mr. Bevin, in his note No. U. 8375/25/73 of 15 December 1945, informed the Jugoslav Ambassador in London that the Combined Chiefs of Staff had authorized the Supreme Allied Commander, Mediterranean, to hand over to Allied Governments criminals of Italian or other ex-enemy nationality wanted by them.

The Jugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Nov.br.10/46 and Nov.br. [illegible] dated 5 and 6 January 1946, from A.F.H.Q.: "...to arrest without delay all Italian War Criminals who have been listed by the U.N.War Crimes Commission on proposal of Jugoslavia, in order to prevent their escape. 2. To hand them over to the Jugoslav Government Authorities."

After that Brig.Lush, in capacity of the Acting Chief Commissioner, informed me in his letter No. [illegible] of 16 February 1946, that A.F.H.Q. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War Criminals, i.e. that all requests will be addressed to A.F.H.Q. who will take action in the matter and forward the requests to SACMED (SIB), c/o JAG, Naples. Brig.Lush informed me at the same occasion that orders to SACMED (SIB) to arrest persons listed by the War Crimes Commission have already been issued.

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Since no Italian war criminal was handed over to Jugoslavia, I requested again in my letter Nov.br. [illegible] of 25 February 1946, that all Italian war criminals, listed by the U.N.War Crimes Commission, be arrested and handed over to the Jugoslav authorities. Brig.Lush replied that the "request has been passed to AFHQ for action by SACMED (SIB)".

As even after that reply no one was handed over, I requested again in my letter Nov.br. [illegible] of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested to date may be forwarded to us.

Unexpectedly I received a letter from the Vice President, Civil affairs section (No. [illegible] dated 5 August 1946), informing me

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Declassified E.O. 12958 Section 3.3/NND 760

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Italians with Italy, the [illegible] with the following:"Benito Mussolini,his chief Fascist associated and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations,will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with."

. Upon request of the Jugoslav Government 716 Italians were listed by the United Nations War Crimes Commission until September 1946.

Mr. Allen,in the absence of Mr.Sevin,in his note No.U. 8175/29/77 of 19 December 1945,informed the Jugoslav Ambassador in London that the Combined Chiefs of Staff had authorized the Supreme Allied Commander, Mediterranean,to hand over to Allied Governments criminals of Italian or other ex-enemy nationality wanted by them.

The Jugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Nov.br.16/45 and Nov.br.[illegible] dated 5 and 6 January 1946,from A.F.H.Q.:"...to arrest without delay all Italian War Criminals who have been listed by the U.N.War Crimes Commission on proposal of Jugoslavia,in order to prevent their escape.=B.To hand them over to the Jugoslav Government authorities."

After that Brig.Lush,in capacity of the acting Chief Commissioner,informed me in his letter No.4/29.8/GA of 15 February 1946, that A.F.H.Q. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War Criminals,i.e.that all requests will be addressed to H. . .C. who will take action in the matter and forward the requests to [illegible] (SIB),c/o JAG,Naples.Brig.Lush informed me at the same occasion that orders to [illegible] (SIB) to arrest persons listed by the War Crimes Commission have already been issued.

1587

Since no Italian war criminal was handed over to Jugoslavia, I requested again in my letter Nov.br.[illegible]/46 of 26 February 1946, "that all Italian war criminals,listed by the U.N.War Crimes Commission,be arrested and handed over to the Jugoslav authorities". Brig.Lush replied that the "request has been passed to AFHQ for action by [illegible] (SIB)".

As even after that reply no one was handed over,I requested in my letter Nov.br.[illegible]/46 of 22 June 1946, addressed to the Chief Commissioner,that a list of names of those listed Italian war criminals who have been arrested to date may be forwarded to us.

Unexpectedly I received a letter from the Vice President,Civil Affairs section (No.4/29.8/GA dated 6 August 1946), informing us that "the question of the handover to the Jugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Jugoslavia is under discussion between the proper authorities," and "until that discussion is concluded it will not be possible to comply with" the request of the Jugoslav Representative U.N.

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We were even more surprised with the explanation given to the Jugoslav Embassy in London from the British Foreign Office in their note No.U.[illegible]/71/73 of 17 July 1946, where it is supposed that "as the Jugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason any this matter, which has definitely been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. I therefore addressed on 14 Oct.1946, a new letter to [illegible] (Prov.Br.1120/46), requesting again the extradition of the Italian war criminals in basis of the foresaid.

On 21 October 1946, I received through Admiral Stone the reply where it is stated that "since the Allied Military Government has been abolished throughout the whole of Italy with the exception of Venezia Giulia and the Province of Udine, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals."

4. I cannot consider as satisfactory the foregoing reply, because in actual juridical conditions the Allied Military Authorities in Italy have the duty to hand over to the Allied Governments war criminals of Italian or other examed nationality whose extradition is requested. This results clearly from Art. 29 of the "Additional Conditions of the Armistice with Italy", which is still in vigour. The same is confirmed also in the note from Mr. Attlee of 15 Dec. 1945, as quoted above, as well as in the letters of Brig. Lush quoted above. Since the date of these letters the juridical situation of this subject has not been changed. The Jugoslav Government being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Jugoslav Government and that all Italian war criminals listed on request of the Jugoslav Government be handed over.

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5. With reference to the foregoing I have the honour to propose that the Advisory Council for Italy may advice the Supreme Allied Commander, Mediterranean Theatre, to issue appropriate orders to his dependent authorities as well as to the Italian Government in order to:

a. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape;

The foregoing viewpoints of the Allied Authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Jugoslav Government consider that there should not be any reason why this matter, which has definitly been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

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1586

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A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Jugoslavia, in order to prevent their escape;

B. to hand them over to the Jugoslav authorities.

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SEP 25 1946

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, September 24, 1946.

The next meeting of the Advisory Council for Italy, scheduled for September 27, 1946, 1030 hours, will be held at Villa Abamelek, via Aurelia Antica 8, Rome, under the chairmanship of the Soviet Union Representative.

Enclosure:

Agenda of 57th Meeting.

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REAR ADMIRAL ELLERY W. STONE

CHIEF COMMISSIONER

ALLIED COMMISSION

ROME.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

AGENDA

OF THE SEPTEMBER 27, 1946

MEETING

OF THE ADVISORY COUNCIL FOR ITALY

* * * * * *

1.) "STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING DISCONTINUANCE OF PROVISION OF FUNDS BY THE COMBINED CHIEFS OF STAFF TO THE SOVIET DELEGATION AND WITHDRAWAL-ROOT FOR PAST ADVANCES".

2.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE JUGOSLAV WARSHIPS, WHICH SHOULD BE SALVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

3.) MISCELLANEOUS.

4.) NEXT MEETING.

* * * * * *

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1946

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, September 26, 1946

The Secretariat has the honor to transmit herewith copies (2) of the minutes of the fifty-sixth meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 56th Meeting

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Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

(17)

SEP 26 1946

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MINUTES OF THE 56th MEETING OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Romagna 42 on August 30, 1946 under the chairmanship of M. Constantin Vatikiotty, the Greek Acting Representative on the Council. Present at the meeting were:

M. Constantin Vatikiotty M. Constantin Hinarios	Greece
M. Georges Balay M. Pierre Sebilleau	France
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Sir Noel Charles Mr. H.A.A. Hankey	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) Miscellaneous.

5.) Press Communique.

1882

M. Constantin Vatikiotty, the Chairman, opened the meeting and called on Admiral Stone to present his report.

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone:

"During the second half of August political interest has been mainly focussed on the activities of the Italian delegation to the Peace Conference at Paris and the reactions registered by the Communist and Socialist parties in Italy.

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Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Sir Neel Charles Mr. H.A.A. Hankey	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Yugoslavia

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1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

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4.) Miscellaneous.

5.) Press Communique.

1882

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1. Political Review

(a) Report by Rear Admiral Ellery W. Stone:

"During the second half of August political interest has been mainly focussed on the activities of the Italian delegation to the Peace Conference at Paris and the reactions registered by the Communist and Socialist parties in Italy.

Intensive lobbying by the President of the Council and other members of the Italian delegation among the various foreign delegates at Paris resulted at first in excessive optimism on the part of the delegation and other Italian observers at Paris regarding their hopes of securing a revision of the treaty in Italy's favor. This impression was on the whole encouraged by Mr. Byrnes' and Mr. Alexander's speeches of August 16th made in reply to the Russian

delegate's

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delegate's charges against the Italian Government of three days before, (although their speeches were possibly too optimistically received by the Italians). On August 17th the Italian delegation issued a statement defining its attitude at the end of the first phase of the Conference's labor and affirming that the delegation must reserve judgment on the treaty as a whole "until the territorial, economic and military clauses are defined and until the Constituent Assembly is in a position to assume co-responsibility for the treaty." The statement also declared that the delegation's activities had "created an atmosphere of greater understanding regarding our country."

On the following day the delegation presented a bulky exposition of their case, raising sixty points on the economic aspects alone with about 20 pages of comment on each. The immediate reception of this document by the political commission deputed by the Conference to examine and report on the Italian treaty was unexpectedly severe. In a criticism of the preamble to the draft treaty intended to secure recognition of the part played by Italy in the war against Germany, it was pointed out that Holland and Belgium had never declared war on Italy. This incited the Belgian and Dutch representatives on whom the Italian delegation had been counting for support at least in securing minor concessions, to protest violently, on the grounds that the Italian statement implied a slur on the hundred per cent character of their war effort. The Italian amendment was defeated unanimously, and the delegation was generally regarded as having committed a first-class tactical blunder. Their depression was accentuated by the fact that no support had been received from the foreign delegates who had responded favorably to the delegation's advances during the preceding few days.

However, an alternative amendment recognizing in more explicit terms the assistance given by Italy in the war against Germany was subsequently introduced by the Dutch delegate, and accepted on August 26th with the agreement of all except Yugoslavia.

Up to date little progress has been made by the commission dealing with the economic aspects of the treaty.

On August 17th it was decided by the Peace Conference that Austria should be invited to state her views on the Italian peace treaty. Prominence was given in the Italian press to this decision and to the fact that it had been supported by the British and United States and opposed by the Soviet delegations.

These developments at Paris have been accompanied by an incipient governmental crisis at home. Signor Togliatti, the leader of the Communist party, returned on August 18th to Rome from Paris where he had seen M. Molotov. In an interview with Unita he attacked the Government's policy particularly as regards De Gasperi's proposal to postpone for a year the settlement of the Venezia Giulia question, which he declared would only prolong the Allied occupation

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Declassified E.O. 12356 Section 3.3/NND No. 787860/5

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garding our country."

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1881

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These developments at Paris have been accompanied by an incipient governmental crisis at home. Signor Togliatti, the leader of the Communist party, returned on August 18th to Rome from Paris where he had seen M. Molotov. In an interview with Unita he attacked the Government's policy particularly as regards De Gasperi's proposal to postpone for a year the settlement of the Venezia Giulia question, which he declared would only prolong the Allied occupation and enable them to transform Trieste into another Malta or Gibraltar. These statements followed a week of tension during which the Communists had accused De Gasperi of acting without authority from the treaty commission of the Constituent Assembly, of secretly intending to align Italy on the side of the Anglo-Saxon powers and failing to emphasize sufficiently the complete break between the old Fascist regime and the present one. Another charge, that of becoming involved in negotiations for the formation of a Mediterranean bloc was the subject of a denial issued by the Italian

delegation

(112)

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Declassified E.O. 12356 Section 3.3/NND No. 759045

delegation on August 17th.

The press organs of the Christian democratic party responded to this broadside from the Communists by declaring that in her present difficulties Italy needed to show a united front, and that it was improper for the Communist party to indulge in such fierce opposition when it was itself represented in the Government. The tension was partly relieved however by Signor Togliatti's calming statement that although he reserved the right to criticize the government when necessary the development least desired at present was a governmental crisis.

As regards the position of the Socialist Party, in spite of Signor Nenni's asseverations that the Socialist party must pursue its own course and not act as mediator between the Communists and Christian Democrats a rift seems to have appeared in the party ranks between those who with Signor Nenni would like to renew the pact of unity of action with the Communists and the rest, who have come to regard continued partnership with the Communists as a course too dangerous to Italian interests to be justifiable in present circumstances.

Division of opinion also exists in the Christian Democratic party on the question whether the Communists are most dangerous to them inside or outside the government. Feeling on the subject is so strong that a fairly strong group within the party, led by the former deputy, Signor Martire, is reported to be ready to form a new "National Catholic Party" if an unsatisfactory reply is received to its insistent request for a clarification of the party policy.

The President of the Council, who returned to Rome on August 23rd, may have a somewhat difficult task before him if he intends to restore order and unity in the heterogeneous ranks of his government's supporters before returning to Paris in a week's time. He began the task by endeavoring to clear up misunderstandings and to answer his critics in a report to the Council of Ministers on August 24th. Among other things he emphasized that in proposing to postpone a settlement of the Venezia Giulia question for a year he in no way hoped for a similar postponement of the peace treaty itself. He had endeavored to reach a settlement of the question by direct discussion with the Yugoslav delegate, but the latter had refused to enter into contact with him. Although De Gasperi's statement was criticized at length by the Communist Minister of Finance, Signor Scoccimarro, the meeting concluded by passing a unanimous resolution of approval for the work done by De Gasperi and the delegation at Paris.

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During the fortnight the National Monarchist Party succeeded in securing the adherence to it of the "Democratic Liberal National Concentration", the monarchist movement "Rinascita Nazionale" and the "Monarchist Christian Democratic Center." In the world of the press the paper "Minuto" has disappeared and been replaced, under the same editor, by "Figaro." "Risorgimento Liberale" has [illegible] part of the current polemic against the Communists.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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Possibly as a result of the calm to be expected during and after the long Ferragosto holiday during which many factories were closed down altogether between August 10th and August 19th, the labor situation has generally been quiet. The Commission set up to discuss the question of the ban on the dismissal of workers,

following

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following the negotiations between Confindustria and the C.G.I.L., met for the first time on August 22nd and divided up its work among seven subcommittees each dealing with a special industrial sector.

The question of the partisans has once more come to the fore. Following the developments at Asti where a band of partisans took to the hills as a protest partly against their unsatisfactory economic status, partly against the government's attitude in certain political questions, a delegation was received by Signor Nenni, who in the absence of Signor de Casperi was acting President of the Council. The delegation presented a petition containing seven requests mainly of an economic character, which are at present under consideration by the government."

The Chairman thanked the Admiral for his report and invited discussion thereon.

(b) Discussion

Admiral Stone stated that he would like to suggest to the Council the desirability of discontinuing his presentation of a fortnightly political report. He stated that the practice of presenting such a report was started in the early days of the Advisory Council when his predecessor General McFarlane reported personally to the Council the current situation and political developments in liberated Italy. He noted that this practice was quite natural at the time especially since newspaper reporting was inadequate and none of the Governments represented on the Council, except the Soviet Union, had established diplomatic relations with the Italian Government. He added that since that time newspaper reporting had improved and all Governments represented on the Council, except Jugoslavia, had established diplomatic relations and that therefore there was little for him to report that was not already well known to the Delegations. He also pointed out that the abolition of the Political Section of the Allied Commission deprived him of the Section which had prepared the draft of these reports. He noted that all Governments represented on the Allied Commission are receiving the Allied Commission's weekly bulletin and suggested that if it would meet the Council's needs he would be happy to furnish regularly weekly bulletins to all Representatives in lieu of submitting his fortnightly political review. He added that, if the Council so desired, he would, of course, continue to attend the Council's meetings in order to answer any questions raised at these meetings or to give any information desired on the functioning of the Allied Commission. He concluded by stating that he wished to submit this suggestion to the Council for whatever consideration the Council may care to give to it.

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Sir Noel Charles expressed support of Admiral Stone's suggestion.

M. Balay, M. Vatikiotty, and Mr. Goshie also supported the Admiral's suggestion.

Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a substitute for the Admiral's

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Declassified E.O. 12356 Section 3.3/NNID No. 785015

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Sir Noel Charles expressed support of Admiral Stone's suggestion.

M. Balay, M. Vatikiotty, and Mr. Goshie also supported the Admiral's suggestion.

Dr. Smodlaka inquired whether it could be considered that four weekly bulletins would constitute a substitute for the Admiral's regular report to the Advisory Council for Italy.

Admiral Stone replied affirmatively.

Colonel Savko associated himself with Dr. Smodlaka and agreed, in principle, to Admiral Stone's suggestion.

The Chairman noted that all Delegations were agreeable to accepting Admiral Stone's suggestion.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

The Chairman inquired whether any of the Representatives had received additional instructions and after ascertaining that none had he suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

Dr. Smodlaka inquired whether any reply had been received by the Council to its last letter addressed to AFHQ in the premises.

The Chairman reported that no reply had been received.

Dr. Smodlaka inquired whether anybody had any information as to when a reply may be expected.

Admiral Stone stated that in anticipation of this question he had called AFHQ for information and that they reported they had received the communication of the Allied Commission on this subject and were corresponding further with the Allied Commission. Admiral Stone stated that he had been asked to assure the Advisory Council that the matter was under serious consideration and that as soon as AFHQ had all the necessary information a reply would be given.

Dr. Smodlaka expressed the hope that the reply would be received before the next meeting.

The Chairman suggested that pending receipt of a reply from AFHQ the Council postpone further consideration of this subject until the next meeting.

The Council accepted this suggestion.

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4. Miscellaneous

The Council had no miscellaneous business to discuss.

5. Press Communique

The Council agreed to release the following press communique:

"The 56th meeting of the Advisory Council for Italy was held in Rome on August 30, 1946 under the chairmanship of the Greek Acting Representative, M. Constantin Vatikiotty. Other members of the Council present were:

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Declassified E.O. 12356 Section 3.3/NNB No. 785045

3. Restitution by the [illegible] of Jugoslav Property, taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

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1878

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"The 56th meeting of the Advisory Council for Italy was held in Rome on August 30, 1946 under the chairmanship of the Greek Acting Representative, M. Constantin Vatikiotty. Other members of the Council present were:

M. Georges Balay	France
Colonel V. Savko	Soviet Union
Sir Noel Charles	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia

Rear

(112)

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Declassified E.O. 12356 Section 3.3/NND No. 785045

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, presented a report on current political developments in Italy to the Council".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on September 27 under the chairmanship of the Soviet Union Representative.

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Declassified E.O. 12356 Section 3.3/NND No. 778045

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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JLG:hp

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT
ADVISORY COUNCIL FOR ITALY

AUG 28 1946

Rome, August 27, 1946.

The next meeting of the Advisory Council for Italy, scheduled for August 30, 1030 hours, will be held at Via Romagna 42, under the chairmanship of the Greek Representative on the Council.

Enclosure:

Agenda of 56th Meeting.

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Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

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Declassified E.O. 12356 Section 3.3/NND No. 785015

A G E N D A

OF THE AIRGRAM NO. 1946 MEETING

OF THE

ADVISORY COUNCIL FOR ITALY

* * * * * *

1.) POLITICAL REVIEW - by Rear Admiral Ellery W. STONE, Chief Commissioner of the Allied Commission.

2.) "REACTION OF THE SOVIET UNION REPRESENTATIVE REGARDING DETERMINATION OF DISPOSITION OF FORCES BY THE COMBINED CHIEFS OF STAFF TO THE SOVIET DELEGATION AND RECOMMENDMENT FOR FIRST ADVANCE."

3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDED THE JUGOSLAV GOLDEN HOARD, WHICH SHOULD BE SAVED AND REPAIRED AT THE EXPENSE OF THE ITALIAN GOVERNMENT".

4.) MISCELLANEOUS.

5.) PUBLIC SECURITY.

* * * * * *

Next meeting 27 Sept

(11)

0586

Declassified E.O. 12356 Section 3.3/NND No. 785015

23 August 1946

Ref: 733/23/03

SUBJECT: Diplomatic Representation.

TO : H.F.H.Q.
G-5 Sections.

The enclosed copy of letter no. Ex. 733/46 dated 17 August 46, addressed to this Headquarters by Mr. Goodale the retiring representative of Yugoslavia to the A.C., is forwarded for any action that you consider necessary.

The Italian Government has been informed as requested and Mr. Goodale has been advised of the action taken.

109

FOR THE CHIEF COMMISSIONER:

W. Gotsch
Brigadier
Executive Commissioner.

Copy to : U.K. Embassy
U.S. Embassy
White. (A)
Polad. (B)
F.O.

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Encl: as above.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY:

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br. 1253/46 17 August 1946

TO: Chief Commissioner
Allied Commission

1. The Jugoslav Delegation to the Advisory Council for Italy have been informed from the Jugoslav Government that Mr. VISNJIC Ljubica, former Charge d'affaire in Madrid of the ex-Royal Jugoslav Government in London, was still issuing passports in name of the Jugoslav Royal Government. These passports issued by him are ante-dated and valid until 1950. According to informations received, these passports are considered as valid by the U.S., Swiss Spanish and French authorities.

Mr. VISNJIC Ljubica was in Madrid at the time when Jugoslavia broke up the diplomatic relations with Franco's Spain. He remained there after that date and is still keeping open his so-called Legation in Madrid. Mr. VISNJIC Ljubica was discharged of his duty and dismissed by the Jugoslav Government as an enemy of the country, on 6 May 1945.

2. By orders of the Jugoslav Government I have the honour to inform you that the Government of the Federal People's Republic of Jugoslavia do not recognize the validity of any passports released in name of the ex-king or of the ex-Royal Government of Jugoslavia in London, without any regard to the date of expiration of such passports.

You are courteously requested to inform about the foresaid all Allied Authorities in Italy as well as the Italian Government.

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s/ Dr. SLOVEN J. [illegible]
Acting Representative of Jugoslavia
Advisory Council for Italy.

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Certified true copy:

0588

Declassified E.O. 12356 Section 3.3/NND No. 785015

AUG 26 46

23 August 1946

SUBJECT: Diplomatic Representation

TO : The Ministry of Foreign Affairs
Paris.

Sir,

I am instructed by the Acting Representative of Yugoslavia to the Allied and Associated Powers to bring the following information to your notice.

"1. The Yugoslav Delegation to the Advisory Council for Italy have been informed from the Yugoslav Government that Dr. Vladimir Simitch, former Chargé d'Affaires in Madrid of the ex-royal Yugoslav Government in London, was still issuing passports in name of the Yugoslav Royal Government. These passports issued by him are ante-dated and valid until 1950. According to information received, these passports are considered as valid by the U.K., U.S.A., French, and Iranian authorities.

2. Dr. Vladimir Simitch was an undoubted at the time when Yugoslavia broke up the diplomatic relations with Franco's Spain. He remained there after word there was to still keeping open his so-called legation in Madrid. Dr. Vladimir Simitch was discharged of his duty and dismissed by the Yugoslav Government as an enemy of the country, on 8 May 1945.

3. By order of the Yugoslav Government I have the honour to inform you that the Government of the Federal People's Republic of Yugoslavia do not recognise the validity of any passports released in name of the so-called ex-royal Government of Yugoslavia in London, without any regard to the date of expiration of such passports."

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See 110

FOR THE CHIEF OF MISSION:

A. W. Kinsey

Brigadier
Executive Commissioner

Copy to: U.S.Embassy
Br. Embassy
Poiad (A)
Poiad (B)
G-5 AFHQ

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Declassified E.O. 12356 Section 3.3/NND No. 785015

13 August 1946

SUBJECT: Letter of Transmittal

TO : SWNCC's Secretariat, AFHQ, APO 512

1. The enclosed letter signed by U. Georges Bolay, Chairman in lieu of rotation of the Advisory Council for Italy, was sent to this office by Mr. John L. Hoshin, Counselor, ACI, for transmission to SWNCC.

2. Acknowledgment of receipt will be appreciated.

For the Chief Commissioner:

C. F. RIVELY
Major, Inf.
Staff Officer to CC

1 Incl:
Ltr, 5 Aug 46,
sgd U. Bolay, to
ACC

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT
ADVISORY COUNCIL FOR ITALY

AUG 13 1946

Rome, August 12, 1946

My dear Admiral,

I should be grateful if you would make arrangements to transmit the enclosed letter from A C I , signed by M. Georges Balay, Chairman in turn of rotation of the Advisory Council for Italy, to SACMED.

Believe me, my dear Admiral,

Sincerely yours,

John L. Goshie

Enclosure:

Letter to Lt.Gen. W. Morgan
dated August 5, 1946.

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Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e .

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

Rome, August 5, 1946

AFHQ.

I have the honor to acknowledge the receipt of the letter dated 13th July 1946 from me for General A.M.K. McCreery to the Chairman in turn of rotation of the Advisory Council for Italy and to state that the Advisory Council is anticipating with pleasure the reply of AFHQ to the letter of Dr. Gasdleka as Chairman in turn of rotation of ACI, dated 6th July 1946.

Yours sincerely

/s/ G. Daly
Georges Daly
Chairman in turn of
rotation Advisory
Council for Italy

Lieutenant General Sir W. Morgan, KCB, CBE, DSO
Supreme Allied Commander
Allied Force Headquarters
Caserta

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, August 27, 1946

The Secretariat has the honor to transmit herewith copies (2) of the minutes of the fifty-fifth meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 55th Meeting ACI

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

1968

AUG 28 1946

MINUTES OF THE 55th MEETING OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Palazzo Farnese on August 2, 1946 under the chairmanship of M. Georges Balay, the French Acting Representative on the Council. Present at the meeting were:

M. Georges Balay	France
M. Pierre Sebilleau	
M. Constantin Vatikiotty	Greece
M. Constantin Himarios	
Colonel V.V. Savko	Soviet Union
Lt. M.M. Geegalin	
Sir Noel Charles	United Kingdom
Mr. B.P. Pavitt	
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia
M. Čedomil Veljačić	

The agenda for the meeting included the following items:

1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) Miscellaneous.

5.) Press Communique.

M. Georges Balay, the Chairman, opened the meeting and called on Admiral Stone to present his report.

1367

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone:

"Gentlemen:

At your last meeting, I reported on the results of the

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Declassified E.O. 12356 Section 3.3/NND No. 785015

M. Constantin Vatikiotty M. Constantin Himarios	Greece
Colonel V.V. Savko Lt. N.N. Geegalin	Soviet Union
Sir Noel Charles Mr. B.P. Pavitt	United Kingdom
Mr. John L. Coshie	United States
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4.) Miscellaneous.

5.) Press Communique.

M. Georges Balay, the Chairman, opened the meeting and called on Admiral Stone to present his report. 1367

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone:

"Gentlemen:

At your last meeting, I reported on the results of the election and referendum, and on the preliminary stages of the transition for Monarchy to Republic in Italy. During the intervening weeks there have been two basic factors in the political situation in the country; first, the attempts by Prime Minister De Gasperi to form a government to carry on internal administration, which have been intimately associated with attempts to initiate the work of the Constituent Assembly. The second factor has been one which Italians consider vital to themselves and to their nation, but about which neither the Italian Government nor people have had a determining voice. I refer, of course, to the conclusion of a peace treaty with Italy.

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Declassified E.O. 12356 Section 3.3/NND No. 780065

It is not possible, in appreciating the recent political developments in Italy, completely to separate these two factors; De Gasperi himself, during the course of his remarks to the Constituent Assembly, acknowledged this fact by pointing out the necessity of forming a government before the peace conference of 21 nations should convene in Paris. It is not at all improbable that revelation of many of the preliminary decisions of the Council of Foreign Ministers, particularly those affecting Italy's frontiers, had considerable psychological effect in helping to precipitate the purely domestic matters which had to be solved before a government could be formed.

It became apparent soon after De Gasperi accepted President De Nicola's charge to form a government, that a critical issue would be whether Italian labor should receive a general wage increase at this time, to the possible detriment as claimed by Corbino, for example - of the country's efforts to control inflation. This basically economic issue appears to have been solved by political means and it seems safe to say that what the political parties have been able to agree upon as government economic policy represents a series of compromises adding up to a moderate and slightly right of center position. It was evident during the course of the negotiations that labor politics had a considerable part; disagreement, and therefore the necessity for compromise, among the three principal parties of the CGIL was apparent. Inasmuch as these same parties were the three most influential in the governmental sphere, their disagreement was probably salutary in that it served to air inter-party differences and permit an appreciation of the obstacles to future government stability.

On July 10, it was reported that substantial agreement had been reached among the three mass parties on a Government program. The domestic aspects of the program, which are largely economic, aim at the recovery of public finance and the protection of the lira against further devaluation. There will be two budgets, a regular one which it is hoped to bring into balance, and an extraordinary budget, to be financed in part by a public loan and to be designed to meet expenditures on public works and other economic palliatives. In lieu of a general wage increase, it has been decided to grant the so-called "Republic" bonus, and at the same time to put in hand measures designed to stabilize, or, preferably, decrease the cost of living. In making this program known to the Constituent Assembly on July 15, De Gasperi gave the impression that the Italian Government will assume direct responsibility for the unemployed, thus relieving industries of their present considerable financial burden in this regard. He also indicated at this time that a principal preoccupation of the new Government will be the maintenance of public order and respect for law in Italy.

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The names of the members of the new Government were announced on July 13, and the Cabinet was sworn in the next day. In accordance with the terms of the so-called MacMillian Memorandum of 1945, only the names of proposed Ministers of Navy, War and Air Force were submitted for the approval of the Allies. Contrary to some reports, I think you will be interested to know that the names thus approved were the only names submitted by De Gasperi.

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Declassified E.O. 12356 Sec. 3.3/NND No. 785015

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1566

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A tentative proposal to decrease the total number of Ministers was not adopted; although some former Ministries were abolished, the total number is not changed from that of the previous Government. The Cabinet comprises eight Christian Democrats, four Socialists, four Communists, two Republicans, and one Independent; De Gasperi retained, in addition to the Prime Ministry, the Ministry of Interior and, until the conclusion of peace, the Ministry of Foreign Affairs. The former Ministry of Reconstruction has been replaced by a joint inter Ministerial committee.

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As I have suggested, the Prime Minister's attempts to form a government coincided with the arrival of news of Italy's future fate. The Italian press reported extensively and commented bitterly on the decisions of the Council of Foreign Ministers; at the same time, there were outbreaks of violence in many cities throughout the country. In every case, so far as I can judge, the principal subject of protest by the demonstrators was the decision to internationalize that part of Venezia Giulia between the proposed so-called French Line and the area definitely confirmed as Italian. The demonstrations, like the press, assumed a marked anti-Allied tone. In this connection I think you may be interested to know that on July 11 I received a letter from De Gasperi expressing regret at demonstrations against Allied Officers and troops, which he attributed to the general atmosphere of anxiety, perturbation and disappointment of the Italian people with regard to the solution adopted by the Paris conference.

In his address to the Constituent Assembly, to which I have already referred, the Prime Minister outlined the new Government's foreign policy. In regard to frontier questions, he said, Italy would seek to obtain an ethnic frontier to the east; he reaffirmed Italy's will to collaborate with Yugoslavia, and asked, with reference to the western frontier, that Italy be consulted on all problems regarding French claims. In other matters connected with the peace treaty, De Gasperi sought to define his conception of Italy's best interests and concluded by saying that the Government would not pledge its word on a peace treaty before consulting the Constituent Assembly, to which, he noted, the law gives the right to decide whether a peace treaty is to be signed or rejected.

During the last fortnight, the Government has undertaken efforts to obtain support for Italy's cause among nations other than those represented in the Council of Foreign Ministers. To this end Pietro Nenni has made a trip to the capitals of northern Europe with the avowed purpose of explaining Italy's position, and in the last few days, Count Sforza has arrived on a similar mission in South America.

Although no formal invitation has yet been received by the Italian Government to the Conference at Paris, the Prime Minister feels that he has received assurances of such an invitation, and hopes shortly to go to Paris at the head of a delegation. In all probability the Italian Ambassadors at London, Washington, Rio de Janeiro and Moscow will form part of any such delegation, in addition to economic, geographic and other experts, and a group representing Venezia Giulia. I envisage that the delegation, unlike that which appeared on July 19 before the Foreign Ministers' special commission on the free territory of Trieste, will be concerned with all aspects of the treaty. The delegation which was heard by the Trieste commission confined its first statement to a reservation of acceptance of the principle of internationalization and took exception to the short notice on which they had been summoned to present Italy's views. I understand, however, that a few days later definite Italian views on the form and structure of the proposed future international state were submitted in writing.

0597

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Meanwhile, Italy's international position remains juridically unchanged, since the Italian Government has been too occupied with the broad problems of internal organization and long term international arrangements to be able to study and comment on the proposed revision of the 1943 armistice terms.

That, Gentlemen, concludes my report."

The Chairman thanked the Admiral for his report and invited discussion thereon.

(b)

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(b) Discussion

Colonel Savko noted that in today's issue of "The Rome Daily American" there was an article reporting a pending Government crisis arising from developments reported from the Paris peace conference.

Admiral Stone stated that the article seemed to be purely speculative and that, as he remembered it, it spoke of a possible change in the Government after conclusion of the peace treaty.

Sir Noel Charles stated that he had inquired at Palazzo Chigi and had been informed that there was no foundation to this rumor reported in the newspaper.

Admiral Stone, with reference to the pending revision of the armistice terms, stated that he wished to express his personal opinion that the Italian Government was probably delaying action on the signing of the documents relating to this revision, until they see how Italy fares at the Paris peace conference.

There was no further discussion.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for Past Advances".

The Chairman inquired whether any of the Representatives had received additional instructions and after ascertaining that none had he suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

Dr. Smodlaka made the following statement:

"With reference to the letter from General M.W.M. MacLeod to the Chairman in turn of rotation of the Advisory Council for Italy, dated 12th July 1946, circulated by the Secretariat *, I have the honour to state as follows:

The letter did not include any report on the facts presented in the lists of Jugoslav claims for restitution.

Gen. M.W.M. MacLeod in his reply said that the "question of the restitution of Jugoslav shipping is now under examination" but did not take any notice of the whole of the claims presented by us.

I therefore have the honour to propose:

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reported in the newspaper.

Admiral Stone, with reference to the pending revision of the armistice terms, stated that he wished to express his personal opinion that the Italian Government was probably delaying action on the signing of the documents relating to this revision, until they see how Italy fares at the Paris peace conference.

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Gen. M.W.M. MacLeod in his reply said that the "question of the restitution of Jugoslav shipping is now under examination" but did not take any notice of the whole of the claims presented by us.

I therefore have the honour to propose:

(a) That a general report on Jugoslav claims for restitution be solicited from SACMED.

(b) That it may be emphasized in the request that a report was requested not only as regards Jugoslav shipment but on all Jugoslav claims for restitutions."

Admiral Stone noted that he felt that Major General MacLeod's letter was not intended to indicate that AFHQ will confine their

reply

(*) Copy of letter attached as Appendix 1.

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reply to shipping only. He added that he thought AFHQ would deal fully with the question raised in the last ACI letter in the premises.

Dr. Smodlaka inquired whether the Admiral felt that the Council could expect an early report on this subject.

Admiral Stone replied that the report was being compiled as quickly as possible and that a reply would be forthcoming in a short time. He noted that some of the legal questions raised in connection with this subject may have to be submitted to the Combined Chiefs of Staff for a ruling.

The Chairman proposed that the Council forward a communication to SACMED acknowledging receipt of Major General LacLeod's letter of July 12 and indicating that the Council was waiting for the requested report.

This suggestion was acceptable to all Representatives.

4. Miscellaneous

The Council had no miscellaneous business to discuss.

5. Press Communique

The Council agreed to release the following press communique:

"The 55th meeting of the Advisory Council for Italy was held in Rome on August 2, 1946 under the chairmanship of the French Acting Representative, M. Georges Balay. Other members of the Council present were:

M. Constantin Vatikiotty	Greece
Colonel V. Savko	Soviet Union
Sir Noel Charles	United Kingdom
Mr. John L. Goshie	United States
Dr. Sloven J. Smodlaka	Yugoslavia

Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, presented a report on current political developments in Italy to the Council."

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on August 30 under Greek chairmanship.

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Staff for a ruling.

The Chairman proposed that the Council forward a communication to SACMED acknowledging receipt of Major General MacLeod's letter of July 12 and indicating that the Council was waiting for the requested report.

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4. Miscellaneous

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DATE OF NEXT MEETING

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- - - - - - - -

APPENDIX 1:

Letter from Major General M.W.N. MacLeod, dated July 12, 1946, addressed to the Chairman, Advisory Council for Italy.

JLG:hp

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APPENDIX I

TO MINUTES OF 55th MEETING OF ADVISORY COUNCIL FOR ITALY

From: Major General M.W.M. MACLEOD

ALLIED FORCE HEADQUARTERS

OFFICE OF THE CHIEF OF STAFF

12th July, 1946.

My dear Dr. Smodlaka

I wish to acknowledge receipt of your letter dated 9th July, 1946, addressed to General MORGAN who is at present away from CASERTA.

The whole question of the restitution of JUGOSLAV shipping is now under examination here and a reply to the various points you raise will be forwarded to you as soon as possible.

Yours sincerely

(signed) M.W.M. MacLeod

1562

Dr. Sloven J. SMODLAKA,
Chairman, Advisory Council for ITALY,
c/o Allied Commission,
ROME.

0603

Declassified E.O. 12356 Section 3.3/NND No. 785045

12th July, 1946.

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I wish to acknowledge receipt of your letter dated 9th July, 1946, addressed to General MORGAN who is at present away from CASERTA.

The whole question of the restitution of JUGOSLAV shipping is now under examination here and a reply to the various points you raise will be forwarded to you as soon as possible.

Yours sincerely

(signed) H.W.M. MacLeod

1562

Dr. Sloven J. SMODLAKA,
Chairman, Advisory Council for ITALY,
c/o Allied Commission,
ROME.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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Declassified E.O. 12356 Section 3.3/NND No. 785015

A G E N D A

OF 9TH AUGUST 8, 1946 MEETING

OF THE

ADVISORY COUNCIL FOR ITALY

1.) POLITICAL REVIEW - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

2.) "STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING DISCRIMINATORY PROVISIONS OF PEACE TREATY WITH ITALY AND THE ORDERED DECREE OF CHIEF OF THE SOVIET DELEGATION AND RECOMMENDATIONS FOR THEIR REVISION".

3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, DURING THE JUGOSLAV-NATIONAL WAR, WHICH SHOULD BE SAVED AND SUPPLIED AT THE EXPENSE OF THE ITALIAN GOVERNMENT."

4.) MISCELLANEOUS.

5.) NEXT MEETING.

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JUL 8 1946

SECRETARIAT

ADVISORY COUNCIL ON ITALY

Rome, July 30, 1946

The next meeting of the Advisory Council for Italy, scheduled for August 2, 1946, 1030 hours, will be held at Palazzo Varese under the chairmanship of the French Representative on the Council.

Enclosure:

Agenda of next meeting.

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e .

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AUG 2 1946

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, August 2, 1946

The Secretariat has the honor to transmit herewith copy of a note from the Deputy Allied Command, dated July 30, 1946, regarding facilities provided for the Advisory Council for Italy and Foreign Military Missions by the British Army.

Enclosure:
Note, 1 page from Deputy Allied Com.

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome.

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Copy

ROME AREA ALLIED COMMAND
AFO 794, US Army
(G-4 British Section)

Q 132/1

Tel: 60504
20 July 46

SUBJECT: Facilities for the Advisory Council for ITALY and Foreign Military Missions.

TO : HQ Advisory Council for Italy

1. It has been decided that facilities currently provided for the Advisory Council for ITALY will be continued until one month after the effective date of the signing of the revised Armistice Agreement. Thereafter their maintenance will become the responsibility of their parent Governments, and no facilities will be provided by the British Army to such personnel.

2. The provision of facilities to Foreign Military Missions will continue until further notice.

3. Authority ORB 2595/Q1 dated 20 July 46.

ADAM LOW
Brigadier
Commander

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SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, July 26, 1946

The Secretariat has the honor to transmit herewith two copies of the minutes of the fifty-fourth meeting of the Advisory Council for Italy.

Enclosure:

2 copies of Minutes.

Rear Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

R o m e .

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MINUTES OF THE 54th MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Monti dei Parioli 24 on July 5, 1946 under the chairmanship of Dr. Sloven J. Smodlaka, the Acting Jugoslav Representative on the Council. Present at the meeting were:

Dr. Sloven J. Smodlaka M. Čedomil Veljačić	Jugoslavia
M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Constantion Himarios	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. B.P. Pavitt	United Kingdom
Mr. John L. Goshie	United States

The agenda for the meeting included the following items:

1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) Miscellaneous.

5.) Press Communique.

Dr. Sloven J. Smodlaka, the Chairman, opened the meeting and, in the absence of Admiral Stone, called on Brigadier Lush to present the Admiral's report. 1536

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone.

Brigadier Lush stated that unfortunately the Admiral was unable to attend today's assembly since he had an urgent meeting with Gener-

Declassified E.O. 12356 Section 3.3/NND No. 785045

M. Cedomil Veljecic	
M. Pierre Sebilleau	France
M. Constantin Vatikiotty M. Constantion Himarios	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. B.P. Pavitt	United Kingdom
Mr. John L. Goshie	United States

The agenda for the meeting included the following items:

1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

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4.) Miscellaneous.

5.) Press Communique.

Dr. Sloven J. Smodlaka, the Chairman, opened the meeting and, in the absence of Admiral Stone, called on Brigadier Lush to present the Admiral's report. 1536

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone.

Brigadier Lush stated that unfortunately the Admiral was unable to attend today's assembly since he had an urgent meeting with General Morgan at Caserta. The Brigadier then presented the following report:

"Gentlemen:

In my last review to the Council on June 7, I reported that unofficial results of the Referendum showed a victory for the Republic by a plurality of approximately two million votes. It was thought that the Supreme Court of Cassation, which had the task of scrutinizing the ballots and examining the appeals, would finish its labors by June 8 and declare the results of the referendum on that day. Victory having already been unofficially con-

ceded

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ceded to the Republic, it was believed furthermore that the King would leave for Portugal immediately thereafter. The Queen and royal children had already left Italy on June 6 aboard the Italian cruiser "Duca degli Abruzzi", destined for Portugal.

By June 8, it became known that certain groups of Monarchists had entered protests against the legality of the Referendum. The most important protest was made by the Secretary of the Liberal Party and Signor Cattani, Liberal Party Cabinet Minister, who drew the attention of the Prime Minister to Article II of Decree Law No. 98 of March 16, 1946, which provides that the outcome of the Referendum shall be calculated on the "majority of voting electors". Thus, for example, if 26 million votes were cast and two million were found to be technically invalid, the majority in the Referendum would nevertheless have to be over thirteen million, rather than over twelve million according to Signor Cattani's interpretation. Also on June 8, I received a letter from Count Benedetti, head of the Italian Monarchist Union, requesting scrutiny by the Allied authorities of the electoral material being examined by the Court of Cassation. His letter was in effect a request to the Allied authorities to intervene or to check, if not to supervise, the work of the Court. I forwarded Count Benedetti's letter to the Prime Minister for such action as he might deem appropriate and so notified the writer.

On June 10 the Court of Cassation made an interim report to the Government and the people on the basis of almost complete reports (118 precincts had not yet been heard from). Results as announced by the Court were 12,672,767 votes for the Republic and 10,684,905 votes for the Monarchy. The report concluded that the Court would pass final judgment on the protests and claims before complete results of the referendum were proclaimed. The Council of Ministers immediately thereafter issued a communique stating that the Council had taken note of the Court's findings which indicated a majority favoring the Republic, calling upon all Italians to preserve calm and order and declaring June 11 a national holiday in honor of the Republic. In Rome the next day, demonstrations took place in the Piazza del Popolo to celebrate the advent of the Republic. Signor Romita, Minister of the Interior, spoke to the crowd in a reasonable manner, assuring those people who had voted in favor of the Monarchy that they had nothing to fear and that they would be treated like all other Italians provided that they accepted the results of the Referendum as the rest of their fellow citizens were doing.

The interim report of the Court led to a most unfortunate situation, however, inasmuch as those members of the Government of republican tendencies desired the Republic to be proclaimed immediately on the basis of the Court's interim report while the King on the other hand was not convinced that it was proper for him to transfer the sovereign powers to the Provisional President of the Republic until the definite findings of the Court had been received. In the days following the Court's interim report the Cabinet met

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endum shall be calculated on the "majority of voting electors". Thus, for example, if 26 million votes were cast and two million were found to be technically invalid, the majority in the Referendum would nevertheless have to be over thirteen million, rather than over twelve million according to Signor Cattani's interpretation. Also on June 8, I received a letter from Count Benedetti, head of the Italian Monarchist Union, requesting scrutiny by the Allied authorities of the electoral material being examined by the Court of Cassation. His letter was in effect a request to the Allied authorities to intervene or to check, if not to supervise, the work of the Court. I forwarded Count Benedetti's letter to the Prime Minister for such action as he might deem appropriate and so notified the writer.

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The interim report of the Court led to a most unfortunate situation, however, inasmuch as those members of the Government of republican tendencies desired the Republic to be proclaimed immediately on the basis of the Court's interim report while the King on the other hand was not convinced that it was proper for him to transfer the sovereign powers to the Provisional President of the Republic until the definite findings of the Court had been received. In the days following the Court's interim report the Cabinet met early and late to discuss ways and means of transferring the powers of Government before the final decision or otherwise to work out a compromise solution. The King proposed the appointment of Signor de Gasperi as his Lieutenant General, since Signor de Gasperi as President of the Council of Ministers would, under Decree Law No. 98, automatically assume the functions of Chief of State on the final proclamation of the Republic. Under this proposal the King intended to retire to the country until the Court's final decision was known. The Government asked the King to set forth in detail the manner in which he proposed to appoint the Lieutenant General and the powers which he would assign to him.

The

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The King's formal reply came on June 12 in a letter to the Prime Minister which was simultaneously published in Roman newspapers confirming his willingness to await the decision of the majority of Italian electors, which he said would be clarified by the decision of the Supreme Court, and concluding with the statement that he was sure that he and the Government could continue their cooperation for the sake of Italian unity. The Government, after three meetings during the day, took a different view of the situation and issued a communique in the early morning hours of June 13 in which it adopted the position that the interim report on the Referendum by the Court had automatically established a transitional regime and that as a result thereof, the functions of the chief of state fell automatically to the President of the Council of Ministers. The Government communique ended by saying that the King's letter to the Prime Minister could not be considered to modify this constitutional situation.

During these negotiations and deliberations on both sides, the King made a sudden and secret decision to leave Italy. He left from Ciampino airport at four o'clock in the afternoon of June 13 by Italian aircraft, spending the night in Barcelona and joining his wife and children in Portugal the next day. The first news of the King's actual departure from Rome was received in the Allied Commission by a telephone call from Ciampino airport relayed by Rome Area Allied Command, one-half hour after the plane took off. The destination was unknown. Shortly after 5:00 p.m. Avv. Lucifero, Minister of the Royal Household, telephoned for an appointment with me and subsequently arrived in my office at 5:45. Avv. Lucifero informed me that the King had left Italy which was the first report that I received that the King had actually left the country. While Avv. Lucifero would not tell me at that time what the King's destination was, he did inform me that a Royal proclamation would be issued later that evening. When I asked Avv. Lucifero if the proclamation would be issued by the Royal Household or by the Government, he replied "I do not recognize a revolutionary government."

The royal proclamation, which was released late in the evening of the 13th, recalled the King's oft-expressed willingness to abide by the decision of the people, but stated that in view of the provisional and partial results made known by the Court of Cassation, the various protests and the question raised as to the manner of calculating the majority, the King had decided to await the official and final decision of the Court of Cassation as indicated in his letter of June 12. The proclamation went on to say that in violation of the law, the Italian Government had accomplished a "revolutionary" act by assuming powers that did not belong to it. Thus, it was stated, the King was faced with the alternative of causing bloodshed or enduring violence, and in order not to become an accomplice to the illegality committed and to spare the people further suffering, he had chosen to leave the country. However, it was added that, in leaving, Umberto II felt it his duty as an Italian and as King to protest against the violence committed. He called on his followers not to do anything to threaten the unity of the country. All those who had sworn allegiance to the King were released from their oaths. The procla-

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The King's departure was likewise carefully concealed from the Italian Government and when an Italian aircraft was requested for the King from the Italian Ministry of Aeronautics, the Ministry was requested by the Palace not to inform the Prime Minister since the Palace would do that itself directly. According to the Presidency of the Council of Ministers, the Prime Minister learned of the King's departure through other channels.

The

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The Government issued a statement on June 14, saying that the King's proclamation was a "spiteful" document constructed on a false basis. Regardless of the Government's earlier recognition of the results of the referendum on June 10, the King continued to discuss a delegation of royal powers, and in spite of the difficulty of reconciling the two points of view, the Government had continued the discussions with the King until they were broken off by Avv. Lucifero the night of June 13, it declared. It was stated that the King's letter of June 12 ignored the report of the Court and therefore the Council had to meet to reaffirm the results of the referendum. The President of the Council had given the King proof that a peaceful solution was sought and the King had recognized more than once the loyalty of the Government, which the drafters of the proclamation seemed to ignore. The Government's statement ended by saying that the last two sentences of the proclamation were all that remained of the original proclamation prepared by the King and by deploring that a difficult situation, which had developed not without dignity, had ended on an undignified note.

On the same day the Prime Minister spoke to the nation, recalling that the procedure for deciding the results of the referendum was laid down by law, and promulgated by the King. He stated that all parties in Italy, and the same conclusion was reached abroad, considered that the decision was arrived at freely and honestly. Signor de Gasperi stated it was distasteful to reopen the controversy but that on repeated occasions he had found the King in a conciliatory mood, and that it was possible to consider from a human angle the tragedy of Umberto II who had inherited a discredited dynasty. De Gasperi said that the nation could consider this last episode of an old dynasty as a part of the national catastrophe. He closed by calling on all to present a united front to those threatening Italy's frontiers.

The Court of Cassation issued its final official report on the referendum on June 18. The definitive findings of the Court included reports from all of the precincts previously missing and consideration of the protests of irregularities in voting. According to the Court's final report the Republic received 12,717,923 votes, and the Monarchy received 10,719,284 votes. The Court decided that the phrase in the electoral law "majority of the electoral vote" must be interpreted as meaning a majority of the electors who expressed themselves through valid votes. The final report of the court indicated that there were approximately one million and a half invalid votes.

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Immediately thereafter, the Council of Ministers approved a decree establishing procedures in view of the change in the institutional form of the state. The decrees during the interim period would be issued by the President of the Council of Ministers in virtue of his authority as provisional chief of state. The Italian tricolor was established provisionally as the national flag without the Savoy coat of arms. The Government also approved a decree dissolving the Senate on the date the Constituent Assembly should con-
vene, that is, June 25, 1946. The law provided that the personal

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At the request of the American and British Governments, I called on the Prime Minister on June 21 to extend to him the congratulations of those governments upon the orderly manner in which the first free elections since pre-Fascist days had been carried out in Italy. I said that the United States and British Governments had been particularly impressed by the large number of electors who participated in the elections, thus demonstrating their appreciation of the responsibility of each citizen in a democracy.

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The Constituent Assembly convened in Rome, at Palazzo Montecitorio on June 25. Giuseppe Saragat, Socialist party leader, was elected President of the Assembly. Subsequently, four vice-presidents and a secretary were elected. The session was opened by Signor Orlando as the dean of the deputies in point of age. The Prime Minister replied on behalf of the Government. Both speeches referred to the meeting of the Council of Foreign Ministers in Paris and reiterated the reasons why Italy should not be subjected to a punitive peace.

The President of the Italian Republic was elected by the Constituent Assembly Friday afternoon, June 28. The Assembly's choice, by 396 out of 504 votes cast, was Enrico de Nicola, a Neapolitan jurist, 69 years old, with a distinguished legal and parliamentary career behind him. The new President arrived in Rome on Monday, July 1 and will take up temporary residence in the Palazzo Madama. Signor de Gasperi was received by the President the same afternoon and handed in his government's resignation. At the time of writing (July 3) President de Nicola, after consulting government and party leaders in the formation of a new government representative of the people's will as expressed in the recent national elections, has charged Signor de Gasperi with the task of forming a new government.

This, Gentlemen, concludes my political review. I regret that my attendance at a SACMED conference at Caserta on July 5 prevents my attendance at your meeting."

The Chairman thanked the Brigadier for presenting the report and invited discussion thereon.

(b) Discussion

Colonel Savko inquired whether the Brigadier knew when the documents relating to the revised Armistice Terms would be signed.

Brigadier Lush stated that it was not possible to indicate the date of signature of the documents and added that they were now in the hands of the Italian Government which would presumably discuss these documents with the parties concerned.

Dr. Smodlaka noted that the political review did not make any reference to Italian foreign politics and inquired whether the Brigadier could make a statement on this point.

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The Brigadier replied that foreign politics were not included in the report since the Italian Government has been in a state of liquidation and that therefore it was difficult to give any indication of the official attitude of the Government regarding foreign policy. He stated that the chief concern of the Italian Government seemed to relate to the matters being discussed at the peace conference held in Paris and that reports from Paris were viewed with great concern by the Government.

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The Chairman thanked the Brigadier for his comments.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

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The Chairman inquired whether any of the Representatives had received additional instructions and ascertained that none had. He then suggested that the item be included on the agenda of the next meeting.

This suggestion was agreeable to all Representatives.

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3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

The Chairman noted that in accordance with a decision taken at the last meeting the Council had addressed a letter to SACMED requesting investigation of the facts reported by the Jugoslav Delegation on this subject (copy of letter attached as Appendix #1) and stated that the Advisory Council for Italy had received a reply from AFHQ (copy attached as Appendix #2). He then inquired whether any of the Representatives had received further instructions.

Mr. Pavitt stated that he had not received any further instructions.

The Chairman then made the following statement:

"1. I am very sorry but I am obliged to state that General A.L. Hamblen did not reply at all to the questions put to S.A.C. by the Advisory Council for Italy. Mr. John L. Goshie, as Chairman in turn of rotation of A.C.I., by his letter dated 12 June 1946, addressed to S.A.C., solicited on behalf of A.C.I. a report on the facts presented in the enclosure to the letter of June 5, 1946 from the Jugoslav Representative, addressed to the Chief Commissioner of the Allied Commission.

General A.L. Hamblen on behalf of S.A.C., by his letter dated 21 June 1946 did not at all communicate to A.C.I. the requested report on the facts presented in the enclosure to the letter of June 5, 1946 from the Jugoslav Representative, addressed to the Chief Commissioner, A.C. General Hamblen repeated essentially the general assertions of General MacLeod of 22 May, and mentioned thereafter that the Navy Sub-Commission had informed the Jugoslav Delegation on 31 May, 1946 about the S/S "Jadran", "Kozjak", "Tomasco" and "Vodice" that they were sunk in Greece or had remained in Greece in German hands, and that S/S "Juraj Subic" was sunk in Civitavecchia.

This reply of AFHQ shows that there was no account taken of the letter sent by the Jugoslav Representative to Admiral Stone on June 5th, where it is stated: "Some ships, requested by us at earlier dates, but whose location at the present time is rather queery, are not contained in the submitted list. We nevertheless retain our right to solicit their restitution again later on", and that of those vessels in para 1 S/S"Juraj Subic" is quoted as "sunk in Civitavecchia", whereas the restitution of S/S "Jadran", "Kozjak", "Tomasco" and "Vodice" are not at all requested for the time being (as long as their exact location is not determined).

2. Gen. A.L. Hamblen asserts in general that the location of other ships is not known, notwithstanding that in the enclosure of my letter to the Chief Commissioner of June 5th,

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2. Gen. A.L. Hamblen asserts in general that the location of other ships is not known, notwithstanding that in the enclosure of my letter to the Chief Commissioner of June 5th, under'B) Other Vessels', I exactly quoted f.e. under No 11,12,13,14,15, 16 and 26 which Italian authorities or Italian persons are up to date in possession of these Jugoslav vessels which are floating and most of them used by the Italians even now.

Art. 15 of the Armistice is clear. Italian authorities are bound to restitute immediately all Jugoslav ships and all necessary repairs have to be effected by the Italian Government at their expense.

Besides that, even Gen. M.W.M. MacLeod stated explicitly (Para 7 of his comments): "Ships within the terms of the Liberated Ships Agreement should be returned".

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We quoted the exact particulars as regards the actual location of each singular ship, stating in whose hands it is and who is using it. Now it is up to the Allied authorities to investigate the facts thoroughly and to inform us what has been done in order to find out the vessels and to enforce their restitution.

We are asserting f.e. that the S/S "Ucka" (No 11, B Annex to the letter to Admiral Stone) has already been salved a year ago and we would like to know why was it not repaired and restituted in good conditions.

M/S "Budimir" (No 12 of the same list) - renamed "Gallo" - is actually located at Rimini and used by the Italian Puzzoni Ernesto (Via Sinistra del Porto). The same Puzzoni declared that he was ready to hand over the M/S "Budimir" as soon as he will receive orders to do so. Why are no steps being taken for the restitution of that ship?

M/V "Vila" (renamed "Ninfa") (No. 13) is actually in Venice (basis of the Arsenal) whereas its motor MAN 60 HP is used in a private Italian workshop. Why is this ship not being returned?

Trawler Br.2 ("Arbe") (No 14) is still used by the Italian Servizio Escavazioni Porti Marittimi, Sezione Autonoma di Venezia, Ministero dei Lavori Pupplici. This vessel was in May 1945 at Grado. We have been informed that the Italian Royal Navy has already authorized its restitution to Jugoslavia, but the Servizio Escavazioni Porti Marittimi, Sezione Autonoma di Venezia has asked instructions from the Ministero dei Lavori Pubblici. The Jugoslav Government demands that the vessel be repaired and tugged up to the Jugoslav port of Susak on expense of the Italian Government. This trawler Br.2 was never sunk but is used by the Italians. Gen. MacLeod stated in his comments, para 4: "Art. 15 contains only an undertaking to repair ships so far as may be necessary to enable the earlier part of Art. 15 to be carried out". It is well known that we do not agree with such restricted interpretation of Art. 15 of the Armistice. But when even AFHQ do interpret the thing in that way, on basis of what can the Allied authorities refuse our request that the ship be repaired and tugged in the port of Susak on the expense of Italy?

Trawler Br.4 (Juno) (No 15) is in service of the Servizio Autonomo Escavazione Porti, Venice, and it seems that its length was increased for some meters by the Italians. Ing. Somma, Director of the same Servizio Autonomo, declared after the war that the trawler was Jugoslav property. What has been done in order that the vessel be returned?

The Jugoslav tugboat "Bojana" (renamed "Zara") (No 16) is still used by the Italian Ministero dei Lavori Pubblici, Servizio Escavazioni Porti Marittimi. What has been done for the restitution of that boat? Wherefrom has the Ministero dei Lavori Pubblici got the authority to still keep and even to use the Jugoslav trawlers Br.2 and Br.4 and the tugboat "Bojana"?

The Jugoslav Custom Patrol Boats MB 32 and MB 38 were anchored at Bari, Porto Vecchio, on 2 June 1946. The sailors confirmed that the ships were "navi slave". What has been done in order that these ships be returned to us?

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The Jugoslav Custom Patrol Boats MB 32 and MB 36 were anchored at Bari, Porto Vecchio, on 2 June 1946. The sailors confirmed that the ships were "navi slave". What has been done in order that these ships be returned to us?

3. The a/n are only ships whose exact location has been determined by us. All other ships requested can be found in Italy, if they will only be looked for. Permission should be given to the official representatives of the Jugoslav Government to go around the Italian ports, and we would be able to determine the location of our remaining ships and especially of our complete Custom Ships Fleet (as quoted under No. 27, Supplement to the letter to Admiral Stone). Our merchant marine Attache requested in his letter No 26/45 of 8 August 1945, addressed to the Ministry of War Transport, Representative Med.,Navy House, Naples, and this Delegation requested again on 4 June 1946, Ref.Br.767/46 from H.Q.A.C., Navy Sub-Commission, for permission that our

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specialists may visit the Italian ports in order to find out the Jugoslav ships there, but this our request has not yet got a favorable solution.

4. We are correcting herewith some of our informations as given in the letter to Admiral Stone: (a) S/S "Pistrica" (No 18); we have been informed on 7 June that she was sunk in the S. Benedetto del Tronto port, and we want to transfer her herewith into our list of sunken ships which the Italian Government is due to salve and repair. (b) S/S "AVALA" (No 19): we are withdrawing our request since we have been informed on June 7th, that it had remained in Greece. (c) We also beg to cancel from the restitution list the request concerning the 'Machines and materials of the "Romsa" factory since the Jugoslav Government is requesting it under another title.

5. I cannot understand how it is possible to say (in the letter of 21 June 1946) that: "Except on matters which appear to be largely irrelevant to the matter under discussion the Armistice Terms do not deal with restitution of National Property". The fact that Art. 33(A) of the Armistice is conveying the power of discretion to S.A.C. to issue to the Italian Government any whatsoever orders deeming appropriate to him, as restitutions are concerned, does not demonstrate at all that the Armistice does not contain any decisions regarding restitutions, but, on the contrary, that the question of restitutions has been resolved fully in interest of all the United Nations. It is also difficult to consider as irrelevant the special regulation contained in Art. 15 dealing with the restitution of ships. Besides all that, Art. 9 of the new draft of the Armistice Terms foresees restitutions explicitly in the Armistice Status.

It is a principle of the International Law that restitutions be settled already by the Armistice Terms and not be left for the Peace Treaty; that property has to be restituted in good conditions and that the expenses of the restitution be always settled simultaneously with the restitutions. The principle that property has to be restituted in good conditions is contained explicitly in the Armistice Terms for Rumania, Hungary and Bulgaria. The restitution must comprize salving and repairing of ships. There is not one instance in the actual international practice that the expense of the restitutions are being included in the reparations. The costs of restitution are decided together with the restitutions everywhere, and this not by the Peace Treaties but already in the Armistice Terms.

On basis of Art. 15, 23 and 33, S.A.C. has the power to enforce Italy's paying all the costs of restitution, among others the costs of salving and repairing ships too. Besides that, Art. 9 of the new Armistice draft is foreseeing explicitly that the costs of the restitutions will be charged to Italy.

It therefore results clearly that the Italian Government is obliged to restitute all Jugoslav property on its own expense and that salving and repairing ships has to be included in the costs of restitution.

Our requests for restitution, made up to date, are contained in the letter sent to Admiral Stone on June 5th, with short

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list the request concerning the "Machines and materials of the "Romsa" factory since the Jugoslav Government is requesting it under another title.

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It therefore results clearly that the Italian Government is obliged to restitute all Jugoslav property on its own expense and that salving and repairing ships has to be included in the costs of restitution.

Our requests for restitution, made up to date, are contained in the letter sent to Admiral Stone on June 5th, with short informations and reference numbers and dates. Until Italy has not satisfied our requests for restitution, she has not complied with the Armistice Terms in relation to Jugoslavia. General MacLeod, in para 2 of his comments, admitted that the Allied authorities in Italy did not issue orders to the Italian Government to comply with the Jugoslav requests for restitution. As it is so, this means that the Allied authorities in Italy are responsible for the non-accomplishment of the restitutions due to Jugoslavia, because they have not issued orders to the Italian Government to restitute the looted property to Jugoslavia. According to all this, we consider as perfectly correct our proposal that the Advisory Council for

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Italy may recommend to S.A.C. to take necessary steps in order to bid the Italian Government to restitute all the property requested by Jugoslavia.

6. With reference to all above mentioned I remain by the last decision of A.C.I. and am asking that it be requested again from S.A.C. that a report be given about all items presented in the enclosure to the letter Pov.br.609/46 of 5 June 1946 from the Jugoslav Representative on the Advisory Council for Italy addressed to the Chief Commissioner of the Allied Commission. After SACMED will be in possession of the completed investigation of facts presented by us, as regards each singular of our requests for restitution, and particularly as ships listed under 11-16 and 25 are concerned , then it will be clear that we are right in our assertions that the Italian Government and singular Italians are still using Jugoslav property among which there are many vessels.

7. Finally I have to inform the Council that the Navy Sub-Commission, with its letter Ref. NSC/5189 of 24 June 1946 requested the views of the Jugoslav Representative as regards the removing of the sunken ship "Jugoslavia" from the harbour of Leghorn, since it was obstructing the entrance to the port. I replied that instead of destroying the Jugoslav passenger S/S "Jugoslavia", the duty of the Italian authorities was to salve and repair it. It is obvious that the responsibility for further destroying of Jugoslav vessels would fall on those authorities who would issue orders for their blowing up. I cannot believe that the Allied authorities instead of issuing orders to the Italian Government to salve the ship, might give permission for its being destroyed by the Italian authorities. I am insisting on my standpoint that it is the duty of the Italian Government to salve and repair at their expense the Jugoslav sunken ships.

8. I propose that the Advisory Council for Italy may recommend to the Supreme Allied Commander to take necessary steps in order to bid the Italian Government to restitute all property claimed by the Federal People's Republic of Jugoslavia and particularly the Jugoslav sunken ships which should be salved and repaired immediately and on expenses of the Italian Government."

M. Sebilleau stated that the French Government was in favor of an immediate restitution to Jugoslavia of the floating ships and of direct negotiations between the Italian Government and the Jugoslav Government as regards the sunken ships, according to the example set by the French Government.

M. Vatikiotty expressed concurrence with M. Sebilleau's views. 1648

Colonel Savko stated that "he felt the claims of the Jugoslav Delegation were just and he suggested that all the Jugoslav ships which were afloat must be immediately restituted by the Italian Government and it was necessary to forward a recommendation to SACMED urging him to take proper steps in order to bid the Italian Government to restitute all the rest property requested by the

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M. Sebilleau stated that the French Government was in favor of an immediate restitution to Jugoslavia of the floating ships and of direct negotiations between the Italian Government and the Jugoslav Government as regards the sunken ships, according to the example set by the French Government.

M. Vatikiotty expressed concurrence with M. Sebilleau's views.

Colonel Savko stated that "he felt the claims of the Jugoslav Delegation were just and he suggested that all the Jugoslav ships which were afloat must be immediately restituted by the Italian Government and it was necessary to forward a recommendation to SACMED urging him to take proper steps in order to bid the Italian Government to restitute all the rest property requested by the Yugoslavs including sunken ships which the Italian Government was bound to salve and repair at its own expenses".

Mr. Pavitt stated that he had nothing to add to the views expressed by the British Government on this subject at the last meeting of the Council.

Mr. Goshie stated that the position of the United States Government on this subject remained as indicated in the official statement he made at the last meeting (see page 17 of last minutes). He noted that the U.S. statement could be divided into two distinct

parts:

0627

Declassified E.O. 12356 Section 3.3/NND No. 785015

parts:

Part 1, in which general concurrence is expressed with the basic position of AFHQ indicated in General MacLeod's letter of May 22, 1946 according to which the question of the restitution of national property is not considered, generally speaking, a matter covered by the Armistice Terms; and

Part 2, in which indication is made of arrangements, under consideration by the United States Government, to provide for the restitution of looted United Nations property currently located in Italy.

With reference to the proposal advanced by the Jugoslav Representative that the Council forward a recommendation to SACMED urging him to order the Italian Government to restitute all Jugoslav property seized by the Italian authorities, Mr. Goshie stated that he could not support this proposal and recommended that the Representatives consider lending support to the arrangements under consideration by the United States Government for the restitution of looted property in Italy.

Dr. Smodlaka stated that "actually the Armistice of 1943 was in vigour and not yet the new Armistice and that the matter has consequently to be dealt with in basis of the armistice terms actually in vigour. In accordance with Article 15 of the armistice terms all ships belonging to the United Nations should have been returned immediately. AFHQ, General M.W.M. MacLeod, stated accordingly in his Comments, para 7, that 'ships within the terms of the Liberated Ships Agreements should be returned'. The Advisory Council for Italy is authorized to interpret the Armistice of 1943. This results clearly from the Moscow Resolution according to which the competence of the Advisory Council for Italy is to watch the operation of the machinery of control in Italy (para 4) and to advise the Allied Commander-in-Chief (para 5). It would be impossible to perform these functions without having the right to interpret the Armistice." Dr. Smodlaka also noted "that SACMED had not given A.C.I. the report requested in its letter of June 12, 1946," and suggested "that the Council repeat its request for a factual report in the premises".

Mr. Goshie expressed the opinion that the question of interpretation of the Armistice Terms was primarily the responsibility of SACMED and was not a matter within the competence of the Advisory Council. He added that there was nothing in the Moscow Terms of Reference which gave the Council the right to interpret the Armistice Terms.

1547

Colonel Savko inquired on what basis French ships were returned to France and whether these ships were repaired before they were returned.

M. Sebilleau stated that inasmuch as he had not been in Rome at the time of liberation by the Allies of Italy he was not very familiar with the matter but he believed that no large French

0628

Declassified E.O. 12356 Section 3.3/NND No. 785015

With reference to the proposal advanced by the Jugoslav Representative that the Council forward a recommendation to SACMED urging him to order the Italian Government to restitute all Jugoslav property seized by the Italian authorities, Mr. Goshie stated that he could not support this proposal and recommended that the Representatives consider lending support to the arrangements under consideration by the United States Government for the restitution of looted property in Italy.

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1547

Colonel Savko inquired on what basis French ships were returned to France and whether these ships were repaired before they were returned.

M. Sebilleau stated that inasmuch as he had not been in Rome at the time of liberation by the Allies of Italy he was not very familiar with the matter but he believed that no large French vessel had been found floating on Italian waters at that time and that the only ships returned to France (a very small number) were those which the French recuperation mission was able to have repaired, some others will be repaired and returned to France in accordance with the agreement concluded between France and Italy on June 1, 1946.

Dr. Smodlaka stated that a considerable number of United Nations ships had actually been returned.

Brigadier

0629

Declassified E.O. 12356 Section 3.3/NND No. 785015

Brigadier Lush pointed out that he thought most of these ships were returned upon conclusion of the armistice for the prosecution of war and that these ships were mostly military vessels and vessels used for the furtherance of the war effort.

Dr. Smodlaka repeated his request that the Advisory Council "should address a letter to SACMED requesting a factual report on every case as presented in his letter of June 5, 1946 to Admiral Stone. For that purpose a new adjourned list of all Jugoslav claims will be forwarded as an additional enclosure".

This suggestion was accepted by all members of the Council.

4. Miscellaneous

The Council had no miscellaneous business to discuss.

5. Press Communique

The Council agreed to release the following press communique:

"The 54th meeting of the Advisory Council for Italy was held in Rome on July 5, 1946 under the chairmanship of the Jugoslav Acting Representative, Dr. Sloven J. Smodlaka. Other members of the Council present were:

M. Pierre Sebilleau	France
M. Constantin Vatikiotty	Greece
Colonel V. Savko	Soviet Union
Mr. B.P. Pavitt	United Kingdom
Mr. John L. Goshie	United States

A report on current political developments in Italy, by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, was presented to the Council by Brigadier Maurice S. Lush, Executive Commissioner of the Allied Commission".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on August 2, 1946 under French chairmanship. 1546

0630

Declassified E.O. 12356 Section 3.3/NND No. 785045

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A report on current political developments in Italy, by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, was presented to the Council by Brigadier Maurice S. Lush, Executive Commissioner of the Allied Commission".

DATE OF NEXT MEETING

The Council agreed to hold the next meeting on August 2, 1946 under French chairmanship.

1546

2 Appendixes:

1) Copy of letter to Lt.General Morgan, dated June 12, 1946.
2) Copy of reply from AFHQ, Brigadier General A.L. Hamblen, dated June 21, 1946.

JLG:hp

0631

Declassified E.O. 12356 Section 3.3/NND No. 785045

APPENDIX #1
TO MINUTES OF 54th MEETING OF ADVISORY COUNCIL FOR ITALY

Rome, June 12, 1946

Sir,

I have the honor to solicit on behalf of the Advisory Council for Italy a report on the facts presented in the enclosure to a letter of June 5, 1946 from the Jugoslav Representative on the Advisory Council for Italy addressed to Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

In connection with the foregoing, reference is made to a letter of May 22, 1946 from Major General MacLeod, addressed to Sir Noel Charles, in which letter the General undertook, if the Council so desired, to have the matter under discussion investigated further and more fully.

Sincerely yours,

John L. Goshie
Chairman in turn of rotation
Advisory Council for Italy

1545

Lieutenant General
Sir W. Morgan, K.C.B., D.S.O., M.C.,
Supreme Allied Commander

0 6 3 2

Declassified E.O. 12356 Section 3.3/NND No. 785015

Sir,

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Sincerely yours,

John L. Goshie
Chairman in turn of rotation
Advisory Council for Italy

1545

Lieutenant General
Sir W. Morgan, K.C.B., D.S.O., M.C.,
Supreme Allied Commander
Allied Force Headquarters,
Caserta.

0633

Declassified E.O. 12356 Section 3.3/NND No. 785015

APPENDIX #2
TO MINUTES OF 54th MEETING OF ADVISORY COUNCIL FOR ITALY

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 912.23-1

21 June 1946

SUBJECT : Return of Jugoslav Ships.

TO : The Chairman
Advisory Council for Italy

1. I have the honour to acknowledge receipt of your letter of 12 June 1946. The comments enclosed with Major General MacLeod's letter of the 22 May appear to answer categorically the whole of the Jugoslav statement with the exceptions of paragraphs 3 and 4 thereof.

2. As mentioned in Comment No. 6. - Paragraph 3 of the Jugoslav statement is in such general terms that it is impossible to institute any enquiry without specification of the facts alleged. Except on matters which appear to be largely irrelevant to the matter under discussion the Armistice Terms do not deal with restitution of National Property. If any further investigation on this phase of the subject is required may details be supplied of the particular terms of the Armistice alleged to be broken with references to the representations made thereon and the replies made to such representations.

3. With regard to paragraph 4 the following information has been received as to some of the ships in question and was passed by the Navy S/C of the Allied Commission to the Jugoslav Delegation on 31 May 1946.

SS JADRAN	on 8 September 1943 in Greece and was later sunk at Leros.
SS KOZJAK	on 8 September 1943 was in Leros which was then in German occupation, no information of what happened to this vessel thereafter.
SS JURAJ SUBIC	on 8 September 1943 was in Civitavecchia, was there captured by the Germans, found sunk in that port on its liberation.
SS TOMASEO	on 8 September 1943 was, in harbour of Chition, sunk.
SS VODICE	on 8 September 1943 was at Patrasso and was there captured by the Germans and renamed CECILIE. No information as to later movements of this vessel.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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2. As mentioned in Comment No. 6. - Paragraph 3 of the Jugoslav statement is in such general terms that it is impossible to institute any enquiry without specification of the facts alleged. Except on matters which appear to be largely irrelevant to the matter under discussion the Armistice Terms do not deal with restitution of National Property. If any further investigation on this phase of the subject is required may details be supplied of the particular terms of the Armistice alleged to be broken with references to the representations made thereon and the replies made to such representations.

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SS VODICE	on 8 September 1943 was at Patrasso and was there captured by the Germans and renamed CECILIE. No information as to later movements of this vessel.

1547

4. It would appear that in the above five cases the ships were in fact under German control on 8 September 1943 and that even if these ships had in fact been at any time under Italian control (of which there is no evidence) it is not now within the power of the Italian Government to restore them to Jugoslavia. Three of the ships are sunk and there is no obligation on the Italian Government to salvage them. The other two were last heard of in German hands.

5.

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Declassified E.O. 12356 Section 3.3/NND No. 785005

5. There is no information as to the remaining ships mentioned in paragraph 4. It is more than possible that they also were under German control on 8 September 1943.

FOR LIEUTENANT GENERAL MORGAN:

A.L. HAMBLEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

JUL 18 1946

Copy

Rome, 9 July 1946

Sir,

The Advisory Council for Italy with the letter addressed to you from Mr. John J. Dunkle as Chairman in turn of rotation of the Advisory Council for Italy on June 12, 1946, requested a report on the facts presented in the enclosure to the letter of June 8, 1946 from the Jugoslav Representative on the Advisory Council for Italy addressed to Rear Admiral C. R. Stone, Chief Commissioner of the Allied Commission. Brigadier General W.L. Draper replied by his letter dated 21 June 1946, but it is regretted that his letter did not contain the requested report on the facts presented in the enclosure to the above mentioned letter from the Jugoslav Representative to Rear Admiral Ellery W. Stone.

I therefore have the honour to forward to you, enclosed herewith, a copy of that letter and of the enclosure to the same, as contained in the minutes of the 53rd meeting of the Advisory Council for Italy (page 10-16), as well as two additional statements made by the Jugoslav Representative, one presented at the 53rd meeting of the Council and included in the same minutes (page 7-10) and the other made at the 54th meeting of the Council on July 8th. In order to give a complete and up to date review of all claims contained in the statements of the Jugoslav Representative on the Advisory Council for Italy, an adjoined list is added, containing the additions and corrections contained in the third statement of the Jugoslav Representative made on July 8, 1946.

In connection with the foregoing I have the honour to solicit again on behalf of the Advisory Council for Italy a report on the facts presented in the enclosure 1 of this letter.

Sincerely yours,

Mr. Slovan J. Vasilenko
Chairman in turn of rotation
Advisory Council for Italy

1842

Enclosures:

MINUTES OF 53rd Mtg. (78)

1 - 1. Minutes of the 53rd meeting of A.C.I. containing:
a - a. Statement of the Jugoslav Representative (p. 7-10)
b - b. Letter to Rear Admiral Stone of June 8th (p.10-16)

2 - 2. Statement of the Jugoslav Representative at the 54th meeting.
3. List of claims presented by the Jugoslav Repre-

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Declassified E.O. 12356 Section 3.3/NND No. 785045

Reports on the facts presented in the enclosure to the letter of June 5, 1946 from the Jugoslav Representative on the Advisory Council for Italy addressed to Rear Admiral E.J. Stone, Chief Commissioner of the Allied Commission. Brigadier General W.L. Hamblen replied by his letter dated 21 June 1946, but it is regretted that his letter did not contain the requested report on the facts presented in the enclosure to the above mentioned letter from the Jugoslav Representative to Rear Admiral Hilary E. Stone.

I therefore have the honour to forward to you, enclosed herewith, a copy of that letter and of the enclosure to the same, as contained in the minutes of the 53rd meeting of the Advisory Council for Italy (page 10-16), as well as two additional statements made by the Jugoslav Representative, one presented at the 52nd meeting of the Council and included in the same minutes (page 7-10) and the other made at the 54th meeting of the Council on July 9th. In order to give a complete and up to date review of all claims contained in the statements of the Jugoslav Representative on the Advisory Council for Italy, an annexed list is added, including the additions and corrections contained in the third statement of the Jugoslav Representative made on July 9, 1946.

In connection with the foregoing I have the honour to solicit herein on behalf of the Advisory Council for Italy a report on the facts presented in the enclosure 2 of this letter.

Sincerely yours,

Dr. Steven J. Gradilnik
Chairman in turn of rotation
Advisory Council for Italy

1842

Enclosure:

MINUTES OF 53rd MEET.

(1) 98 — A. minutes of the 53rd meeting of A.C.I. containing:
(a) — a. Statement of the Jugoslav Representative (p. 7-10)
(b) — b. Letter to Rear Admiral Stone of June 5th (p.10-16)

2 — B. Statement of the Jugoslav Representative at the 54th meeting.
1 — C. Up to date list of claims presented by the Jugoslav Representative A.C.I.

Lieutenant General
Sir W. Morgan, K.C.B., D.S.O., M.C.,
Supreme Allied Commander
Allied Forces Headquarters,

Caserta.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

NARS, Date 12-18-03

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Declassified E.O. 12356 Section 3.3/NND No. 785045

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

DOX

Ref. : 5609/255/GC 17 July 1946

Subject: Release by Yugoslav United Inn of Italian fishing boats.

TO : The Secretary General,
U.N.C.I.

101

In enclosure to my letter no. 5609/255/GC, dated 9 July 1946 was sent to you in error and the Chief Commissioner would be grateful if the memo circulated to members of the U.N.C.I. could be withdrawn from them.

For the Chief Commissioner:

M. G. LUSH

Brigadier
Executive Commissioner

184

104

0640

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, July 16, 1946

The Secretariat has the honor to transmit herewith copy of

1/ a letter from the Allied Force Headquarters, acknowledging receipt of a communication addressed to General MORGAN by Dr. Sloven J. Goodlatte, Chairman in turn of rotation of the Advisory Council for Italy.

Enclosure:

Letter from Major General H.W.M. MacLeod, dated July 13, 1946.

1840

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

(103)

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Declassified E.O. 12356 Section 3.3/NND No. 785015

[illegible]

[illegible] Major [illegible]

[illegible]

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JUL 15 1946
1500

SECRETARIAT

ALLIED COUNCIL FOR ITALY

Rome, July 13, 1946

The Secretariat has the honor to transmit herewith a copy of

1/ note SACC/SEC/50, dated July 9, 1946 from the Allied Commission,

together with the enclosure thereto.

Enclosure:

Note to Secretary A.C.I.,
signed by Capt. Alan F. Kirkby
for Executive Commissioner.

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Copy

HEADQUARTERS ALLIED COMMISSION

A P O 374

Office of the Executive Commissioner

Ref. : 5609/P62/EC 9 July 1946.

SUBJECT: Yugoslav Piratical Acts.

TO : The Secretary,
A.C.I.

I enclose for the information of the Advisory Council to Italy a copy of letter No. 5609/EC to AMG4 on the above-quoted subject.

For the Chief Commissioner:

(signed) Alan K. KNIGHT
Captain
for Brigadier,
Executive Commissioner.

1937

Encl. as above.

(101)

Copy

SECRET

Ref. : 3600/20

4 June 1946

SUBJECT: Yugoslav Piratical Activities.

TO : G-3 Section,
Allied Force Headquarters.

1. Since April 1945 I have received complaints from the Italian Government about the action taken by the Yugoslav authorities against Italian fishing and other craft in Adriatic waters.

2. These complaints I have passed, if occurring in VENEZIA GIULIA waters, to the American and British Embassies, and if occurring in the remainder of the Adriatic, to Dr. Smodlaka, Deputy Representative of YUGOSLAVIA to the Advisory Council for ITALY for representation in BELGRADE. This is in accordance with your directives contained in letter G-3/561 MDI dated 5 October 1945 and your unnumbered letter dated 25 August 1945. I understand that a recent dispatch has been sent on this subject to the Foreign Office by the British Ambassador.

3. The facts, as reported by the Italian Government, which I have every reason to believe, show that a state of piracy exists in the Northern waters of the Adriatic conducted by Yugoslav nationals with or without the assent of the Yugoslav Government.

4. Such acts are not infrequently accompanied by machine gun fire and general terroristic actions by the Yugoslavs who do not hesitate to use naval craft for this purpose.

5. I enclose for easy reference a tabulated list of Italian vessels seized by acts of piracy by the Yugoslavs in the Adriatic waters.

6. The latest and most serious of these acts occurred on 12 May when twelve big Italian fishing motor boats were attacked 25 miles off the coast of YUGOSLAVIA by Yugoslav naval authorities and were compelled to proceed to CATTARO.

7. 110 Italian sailors from these vessels are missing.

8. These boats are under contract to supply fish to the Allies in the ANCONA area.

9. It appears that the Yugoslav warship operated on a previously prepared plan as sufficient armed personnel were on board to provide an escort crew to each of the twelve Italian boats.

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10. The Italian Government is in a peculiarly difficult position in this respect. They naturally would like to take action to suppress such piracy. They are, however, restricted at present not only by shortage of craft and the condition of the De Courten - Cunningham agreement but also by the fact that they are not in Administrative control of the territorial waters of VENEZIA GIULIA.

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2. These complaints I have passed, if occurring in YUGOSLAV WATERS, to the American and British Embassies, and if occurring in the remainder of the Adriatic, to Dr. Smodlaka, Deputy Representative of YUGOSLAVIA to the Advisory Council for ITALY for representation in BELGRADE. This is in accordance with your directives contained in letter C-5:561 MET dated 3 October 1945 and your unnumbered letter dated 28 August 1946. I understand that a recent dispatch has been sent on this subject to the Foreign Office by the British Ambassador.

3. The facts, as reported by the Italian Government, who I have every reason to believe, show that a state of piracy exists in the Northern waters of the Adriatic conducted by Yugoslav nationals with or without the assent of the Yugoslav Government.

4. Such acts are not infrequently accompanied by machine gun fire and general terroristic actions by the Yugoslavs who do not hesitate to use naval craft for this purpose.

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7. 110 Italian sailors from these vessels are missing.

8. These boats are under contract to supply fish to the Allies in the ZONE A area.

9. It appears that the Yugoslav warship operated on a previously prepared plan as sufficient armed personnel were on board the Yugoslav escort craft to each of the twelve Italian boats.

10. The Italian Government is in a peculiarly difficult position in this respect. They naturally would like to take action to suppress such piracy. They are, however, restricted at present not only by shortage of craft and the condition of the De Courten - Cunningham agreement but also by the fact that they are not in Administrative control of the territorial waters of VENEZIA GIULIA.

11. Under the terms of the revised armistice they will be in an even worse position because any act committed - even in the interests of law and order - against Yugoslav nationals in those waters will be construed as an act detrimental to Yugoslav interests and therefore a transgression of clause 7 of that document.

12.

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SECRET

18. The Italians are unable to take action; the Yugoslavs have done nothing to show that they intend to improve the situation. The waters in which some of these acts take place are as much disputed areas as the land they wash.

19. As is shown by the recent firing on two of H.M. Ships in the Southern Adriatic, piracy will spread, and it occurs to me that it is in the interests of the Allies, if not an obligation, to take the matter into their own hands and to establish law and order on the seas of the Adriatic. There are many precedents for the elimination of Piracy in foreign waters by both the British and U.S. Fleets. I recommend that appropriate action be taken to this end by the Allied Naval Authorities. Would it be possible to use a boat or decoy to accompany the fishing fleet?

14. Should this for any reason not be possible, I recommend the loan to the Italian authorities of an Allied vessel suitable for protecting these fishing fleets from such acts of agression that are so regularly performed by the Yugoslavs.

For the Chief Commissioner:

Brigadier,
Executive Commissioner.

Enc.

Copy to: U.S. Embassy
British Embassy

Navy Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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Declassified E.O. 12356 Section 3.3/NND No. 785015

DATE	ITEM NO.	NAME OF SHIP	ACTION
25/5/45	1	DELFINO	Sailed from MOLFETTA for deep sea fishing, not heard of since.
25/5/45	2	SAN NICOLA	Sailed from BARI " " " " " " " "
29/5/45	3	SAN MICHELE ARCANGELO	Whilst fishing 5 miles north of PELAGOSA, was followed and attacked wi motor boat from CAZZA. Boat escaped by abandoning its nets.
30/5/45	4	NUOVA MARIA	Sailed from MOLFETTA to fish, not heard of since.
17/6/45	5	SANTA TERESA	South of PELAGOSA fishing with regulation lights, was seized by a Yugos towards the East coast of the ADRIATIC. Incident witnessed by crew of close but being without lights, escaped.
			NOTE: The Italian Government have reasons to believe that the aforement "NUOVA MARIA" have also been captured by Yugoslav units.
8/45	6	DIANA	Ordered, whilst fishing in the Adriatic to proceed to Yugoslavia.
4/45	7	DELIA	Soon after the occupation of the city by Yugoslav forces, the crew of t land and was replaced by a Yugoslav crew. To the Italians' complaints thing in the Trieste harbour was considered as being war-prize", while on the ship.
4/45	8	ANDREA	Seized from TRIESTE harbour by the Yugoslavs.
4/45	9	MICHELE PADOVANI	
	10	DARIO	Whilst under repair at FIUME seized by Yugoslavs and sent to DALMATIA
31/5/45	11	NUOVA ITALIA	Left MOLFETTA and not heard of since.
3/46	12	GIUSEPPE F.	At Rovigno, fleeting for Piacona to load wood, sequestered by Yugoslav
3/46	12	VOLANO	At Arsa, loaded with coal and making for Venice, sequestered by Yugosl
3/46	14	LIBERTA	At Fiumana, loaded with wood and making for Venice, sequestered by Yug
3/46	15	ANTONIO M.	" " " " " " " " " " " "

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Declassified E.O. 12356 Section 3.3/NND No. 785015

	ACTION
	Sailed from MOLFETTA for deep sea fishing, not heard of since.
LA	Sailed from BARI " " " " " " "
LE O	Whilst fishing 5 miles north of PELAGOSA, was followed and attacked with machine gun by a Slav motor boat from GAZZA. Boat escaped by abandoning its nets.
IA	Sailed from MOLFETTA to Fish, not heard of since.
REZA	South of PELAGOSA fishing with regulation lights, was seized by a Yugoslav motor boat and taken towards the East coast of the ADRIATIC. Incident witnessed by crew of launch "LAVIANA" that was close but being without lights, escaped.
	NOTE. The Italian Government have reasons to believe that the aforementioned "S.LFINO", "SAN NICOLA", "MADONA MARIA" have also been captured by Yugoslav units.
	Ordered, whilst fishing in the Adriatic to proceed to Yugoslavia.
	Soon after the occupation of the city by Yugoslav forces, the crew of this vessel was compelled to land and was replaced by a Yugoslav crew. To the Italians' complaints it was opposed that "everything in the Trieste harbour was considered as being war-prize", while the Yugoslav flag was hoisted on the ship.
PANOVANI	Seized from TRIESTE harbour by the Yugoslavs.
	Whilst under repair at BRODIA seized by Yugoslavs and sent to DALMATIA.
ALIA	Left MOLFETTA and not heard of since.
F.	At Novigno, destined for Fiumano to load wood, sequestered by Yugoslavs.
	At Arsa, loaded with coal and making for Venice, sequestered by Yugoslavs.
	At Fiumano, loaded with wood and making for Venice, sequestered by Yugoslavs.
	" " " " " " " " " " " "

F.O. 371

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Declassified E.O. 12356 Section 3.3/NND No. 785015

DATE	ITEM NO.	NAME OF SHIP	ACTION
3/46	16	NUOVA PROVVIDENZA	Of Venice Maritime Division seized in Fiume
3/46	17	VOLARO	Of Comacchio Maritime Division seized in Arsia
3/46	18	LIBERTÀ E ANTONIO M.	Of Comacchio Maritime Division seized in Fiumera.
			NOTE The cargo of these ships (firewood and coal) was unlo used for transport of coal from Arsia to Fiume on acc Inspectorate of Fiume.
3/46	19	GIUSEPPE	Of Comacchio, empty, seized in Rovigno.
3/46	20	FLORIDO	Of Ravenna, cargo of salt bound to Venice, seized in Parenz
3/46	21	DIVINA MADRE	Of Ravenna, cargo of coal bound to Venice, " " "
3/46	22	NICOLETTA	Of Chioggia, cargo of cement bound to Chioggia, seized in
3/46	23	AIUTO PESCATORE	Of Chioggia, cargo of silicate bound to Venice, " "
3/46	24	ROMANO B	Of Chioggia, cargo of firewood bound to Chioggia, " "
3/46	25	ROSSO	Of Chioggia, cargo of firewood bound to Chioggia, " "
3/46	26	MONTEVELDERO SICILIANO	Cargo of wine bound to Venice, seized in Arsia
3/46	27	Two wherries and one tug-boat, cargo of coal bound to Venice, seized in Arsia	

N.B. Vessels Nos. 16-27 were seized as a countermeasure f Requisitioning of the vessels ZVIR and LABIN (see my 5603

Finally, 12 vessels seized 25 miles off the Slav coast en 110 Italian sailors are missing.

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Declassified E.O. 12356 Section 3.3/NND No. 785063

NAME OF SHIP	ACTION
NUOVA PROVVIDENZA	Of Venice Maritime Division seized in Fiume
VOLANO	Of Comacchio Maritime Division seized in Arsia
LIBERTÀ E ANTONIO M.	Of Comacchio Maritime Division seized in Fiumone.
	NOTE: The cargo of these ships (firewood and coal) was unloaded and the ships have been used for transport of coal from Arsia to Fiume on account of the Yugoslav Maritime Inspectorate of Fiume.
GIUSEPPE	Of Comacchio, Barty, seized in Rovigno.
FLORIDO	Of Ravenna, cargo of salt bound to Venice, seized in Parenzo.
DIVINA MADRE	Of Ravenna, cargo of coal bound to Venice, " " "
MISERICORDIA	Of Chioggia, cargo of cement bound to Chioggia, seized in Parenzo.
CANDITA PROVIDENZA	Of Chioggia, cargo of silicate bound to Venice, " " "
ROSARIO E	Of Chioggia, cargo of firewood bound to Chioggia, " " "
FURIO	Of Chioggia, cargo of firewood bound to Chioggia. " " "
MADONNA DEL BUON VIAGGIO	Cargo of wine bound to Venice, seized in Arsia

Two wherries and one tug-boat, cargo of coal bound to Venice, seized in Arsia

N.B. Vessels Nos. 16-27 were seized as a countermeasure for the supposed Allied Requisitioning of the vessels ZVIR and LABOR (see my D608/154/RC dated 7 May 1946).

Finally, 18 vessels seized 25 miles off the Slav coast and compelled to enter CATTARO. 110 Italian sailors are missing.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, July 8, 1946

The Secretariat has the honor to transmit herewith copy of a letter from the Office of the Supreme Allied Commander, by which receipt is acknowledged of copies of the minutes of meetings of the Advisory Council for Italy, during which the Council discussed the question regarding the discontinuance of AFA like services to A C I . (Minutes of six meetings 47th to 52nd).

Enclosure:

Letter dated June 7, 1946
signed by Lt Col Lloyd Owen.

REAR ADMIRAL MILLER W. STONE

Chief Commissioner

Allied Commission

R o m e .

0652

Declassified E.O. 12356 Section 3.3/NND No. 785015

Copy No. 9

From: Lt Col D.L. Lloyd Owen, DSO, MC
H.A. to D.A.G.

ALLIED FORCE HEADQUARTERS
Office of the Supreme Allied Commander
C.M.F.

AG./100 7th June 1946

Sir,

I am instructed by the Supreme Allied Commander to acknowledge receipt of copies of the minutes of meetings of the Advisory Council for Italy which were forwarded by you to him under cover of your letter of the 5th June.

I have the honour to be,

Sir,

Your obedient servant,

(signed) D.L. Lloyd Owen
Lieut Colonel

The Chairman,
Advisory Council for Italy,
c/o 15 Allied Commission,
Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 785615

A G E N D A

OF THE JULY 8, 1946 MEETING

OF THE

ADVISORY COUNCIL FOR ITALY

* * * * *

1.) POLITICAL REVIEW - by Rear Admiral Ellery W. Stone,
Chief Commissioner of the Allied Commission.

2.) "STATEMENT OF THE SOVIET UNION REPRESENTATIVE REGARDING STRAIGHT DRAWER OF REVISION OF ITALY BY THE COMBINED CHIEFS OF STAFF TO THE SOVIET DELEGATION AND REINFORCEMENT FOR FAST ADVANCE.

3.) "RESTITUTION BY THE ITALIAN GOVERNMENT OF YUGOSLAV PROPERTY TAKEN BY ITALIAN FASCIST AUTHORITIES, INCLUDING THE YUGOSLAV SERBIAN SHIPS, WHICH SHOULD BE SALVED AND REPAIRED AT THE EXPENSES OF THE ITALIAN GOVERNMENT".

4.) MISCELLANEOUS.

5.) ITEMS TO COMMUNICATE.

* * * * *

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Declassified E.O. 12356 Section 3.3/NND No. 765015

JUL 3 RECD

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, July 2, 1946

The next meeting of the Advisory Council for Italy, scheduled for July 5, 1030 hours, 1946, will be held at Via Monti dei Parioli 24, under the chairmanship of the Jugoslav Representative.

Enclosure:

Agenda of 54th Meeting.

REAR ADMIRAL ELLERY W. STONE

Chief Commissioner

Allied Commission

R o m e

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRETARIAT

ADVISORY COUNCIL FOR ITALY

Rome, July 3, 1946

The Secretariat has the honor to transmit herewith a copy of the minutes of the fifty-third meeting of the Advisory Council for Italy.

Enclosure:

Minutes of 53rd Meeting.

REAR ADMIRAL ELLERY W. STONE

Chief Commissioner

Allied Commission

R o m e

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Declassified E.O. 12356 Section 3.3/NND No. 785015

MINUTES OF THE 53rd MEETING
OF THE ADVISORY COUNCIL FOR ITALY

The meeting was held at Via Vittorio Veneto 119 on June 7, 1946 under the chairmanship of Mr. John L. Goshie, the U.S. Acting Representative on the Council. Present at the meeting were:

Mr. John L. Goshie	United States
M. Georges Balay M. Pierre Sebilleau	France
M. George Exintaris M. Alexander Sgourdéos	Greece
Colonel V.V. Savko Lt. N.M. Geegalin	Soviet Union
Mr. Aubrey S. Halford	United Kingdom
Dr. Sloven Smodlaka M. Čedomil Veljačić	Yugoslavia

The agenda for the meeting included the following items:

1.) Political Review - by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission.

2.) "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances".

3.) "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government".

4.) Miscellaneous.

5.) Press Communique

The Chairman, Mr. John L. Goshie, opened the meeting and called on Brigadier Lush to present Admiral Stone's report.

Brigadier Maurice L. Lush, Executive Commissioner of the Allied Commission, reported that Admiral Stone had returned to duty but was unable to attend the meeting owing to pressure of urgent work.

1. Political Review

(a) Report by Rear Admiral Ellery W. Stone presented by Brigadier

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1. Political Review

(a) Report by Rear Admiral Ellery W. Stone presented by Brigadier Lush:

"Gentlemen:

As was to be expected, the first week of the period under review was entirely taken up with preparations for the elections on June 2nd and 3rd. The Council of Ministers was unable to meet during this period and therefore no government business was transacted. All the

Ministers

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Ministers and political party leaders were touring the country at lightning speed, making their final pre-election speeches.

Political excitement reached its fever pitch on May 30th with the holding of the last publicly allowed political gatherings. On that day Signor de Gasperi spoke in Florence and Milan. He had spoken earlier in the week in Sicily, Southern Italy and Rome. Signor Togliatti made his principal speech at a large Communist gathering on the Palatine Hill on May 30th while the Republicans met in the Piazza della Cancelleria, the Socialists at the Basilica of Maxentius and Senator Orlando addressed the adherents of the National Democratic Union in the Teatro Adriano. Political gatherings were of course forbidden on May 31st and June 1st and there was consequently a noticeable slackening of the tension at least on the surface. Political activities no doubt continued on these days but the general air of orderliness throughout the country was only marred by one incident, when, it is reported, a hand grenade was thrown into the offices of the Avanti newspaper in Milan during the evening of June 1st.

Before reporting on the elections themselves and discussing such results as have become known at the time of writing, I would like to draw your attention to one or two events which took place during the last week of May and may be said to have some influence on the elections also. As you are already aware, at 5.30 p.m. on May 29th, the Executive Commissioner of the Allied Commission, acting on my behalf, called on the President of the Council and left with him a written communication to the effect that in view of the imminent elections the Allied Governments regarded as terminated the undertaking given by successive Italian Governments since the armistice regarding the truce on the institutional question. Although in practice the institutional truce has been violated a number of times by both sides in recent months, and could not therefore be said to be operative any longer, it was necessary from the point of view of the Allied Governments to take official action to terminate the truce in order that at some future date the Italian political parties should not be able to accuse the Allied authorities of having hampered their electoral activities by insisting on the maintenance of the truce and thereby prejudicing the free expression of the popular will.

During the week the press was full of rumours regarding the imminent signature of the new armistice terms. These rumours were given a stimulus by the visit to Rome of the Supreme Allied Commander on May 29th. However, General Morgan did not see the President of the Council on this occasion and there was, needless to say, no truth in the story that the new armistice was about to be signed. However, on instructions from the Supreme Allied Commander, I caused the text of the revised armistice as agreed by the Four Foreign Ministers at Paris on May 16th to be officially communicated to Signor de Gasperi at 11 a.m. on June 1st. The text of this document is as follows:

"Whereas hostilities have ceased.
"Whereas after the armistice, Italian Forces contributed to the war

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Declassified E.O. 12356 Section 3.3/NND No. 778045

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"Whereas hostilities have ceased.
"Whereas after the armistice, Italian Forces contributed to the war against Germany, Italy declared war on Germany as from October 13, 1943 and thereby became a co-belligerent against Germany.
"Whereas the armistice terms have thereby become in part obsolete or have been superseded by events.

"Whereas

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Declassified E.O. 12356 Section 3.3/NND No. 759045

"Whereas the Government of Italy has requested and the Governments of the United States, United Kingdom, Union of Soviet Socialist Republics and France have agreed to a modification of the armistice regime in the light of existing circumstances.
"Accordingly, the afore-mentioned Governments have decided that the Armistice terms shall be modified as follows, pending the coming into force of a treaty of peace.

"1. The additional conditions of armistice of September 29, 1943 are hereby abrogated.

"2. Relations between the United States, United Kingdom, Soviet and French Governments, acting in the interest of the United Nations, and Italy, shall be governed by the Armistice of September 3, 1943, as modified by the present agreement.

"3. The Allied Commission is hereby abolished.
"(A) A special section of Allied Force Headquarters under the orders of the Supreme Allied Commander who will act as chairman, shall be established to assume the control functions of supervision and direction of the Italian Armed Forces heretofore exercised by the Land, Navy and Air Force Sub-Commissions in the Allied Commission. This section shall control the production of armaments.
"(B) The employment and disposition of the Italian Navy shall remain as at present under the command and control of the Supreme Allied Commander.
"(C) Pending the coming into force of any treaty of Peace, Allied Military Government shall be continued under the Supreme Allied Commander, Mediterranean, in Venezia Giulia and in the Province of Udine.

"4. The provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency.

"5. Simultaneously with the coming into force of the present agreement, further agreements shall be concluded between the United States and Italy, and between the United Kingdom and Italy, providing for the maintenance in Italy of Allied Forces under redeployment, and for the retention of the Allied Forces required for the Allied lines of communication to Austria.

"6. Italian prisoners of war now held under the jurisdiction of the United States, United Kingdom, the Soviet Union and France shall be repatriated as soon as possible.

"7, The Government and people of Italy will abstain from all acts detrimental to the interest of the United Nations or of their nationals.

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"8. The Italian Government will cooperate in the apprehension and surrender for trial of, or in making available as witnesses, Italian subjects or nationals of states at war with the United Nations designated by the United Nations as war crimes commission or the Inter-

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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1825

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"9. The Italian Government will provide, at its own expense, all necessary facilities for and will cooperate with the United Nations in the search for and restitution of property wrongfully removed

from

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Declassified E.O. 12356 Section 3.3/NND No. 785015

from the territories of the United Nations and located in Italian territory.

"10. The Italian Government, in full recognition of the absolute and untrammelled right of the people of Italy to choose by constitutional means the form of democratic government they desire, hereby renews its pledge to submit to the will of the people, to this end, the Italian Government undertakes to provide through free elections for an expression of the popular will on the democratic forms of government to be chosen by the people, it being understood that the choice shall be decided by the majority of the popular vote, which shall be binding upon the present government and upon bodies constituted through such elections.

"11. The present agreement shall be without prejudice to any claims of any of the United Nations against Italy rising out of hostilities conducted in or by Italy and shall in no way effect the final disposal of Italian territory or property, nor shall it impair any limitations or restrictions which may be imposed upon Italy in the Treaty of Peace.

"12. The present agreement shall enter into force upon signature thereof by the President of the Council of Ministers of Italy, and by the Supreme Allied Commander in Italy duly authorized thereto by the Governments of the United States, United Kingdom, Union of Soviet Socialist Republics and France and shall remain in force until superseded by other arrangements or until the coming into force of the Peace Treaty with Italy."

The agreement revising the armistice terms will be signed by the Supreme Allied Commander and the Italian Government at the same time as two supplementary agreements between the United States and Italy and the United Kingdom and Italy respectively regarding the maintenance of Allied troops in this country. These supplementary agreements will be negotiated with the Italian Government and I understand that they are, for your information, similar to the agreements which the British Government concluded with the United States Government in London during the war for similar purposes and recently with certain Allied Governments since the liberation of Western Europe in connection with British lines of communication with Germany and Austria.

The only other development of importance during this period was the proclamation of King Umberto II on June 1st. This statement came as the climax to a week of great activity on the part of all Monarchist sympathizers. The King himself was in the vanguard making appearances in Salerno, on May 28th, Catania, Messina and Reggio Calabria. On May 31st he was in Genoa and on June 1st he appeared in Milan and Venice where his presence is reported to have been variously received. In his statement of June 1st, His Majesty spoke with sympathy of the voter's personal attempts to do his duty in the present crisis and he reiterated his pledge to accept the results of the referendum. He stated that he would ask the supporters of the Monarchy also to respect "the decision of the majority without reservation." The King then went on to say that, should the referendum show that the majority of the people was in

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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people

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Declassified E.O. 12356 Section 3.3/NND No. 785965

people might suggest. By that time feelings would have calmed down and many Italians who were now perplexed would have had time to make a mature choice. Signor Togliatti, writing in the Unità on June 1st, immediately branded the King's statement as "a last attempt to confuse people who are still uncertain." He said that, even in the event of a Monarchist victory, King Umberto would not automatically ascend the throne but would have to abide by the decision of the Constituent Assembly on the selection of the Head of the State. As for a second referendum, the Communist leader declared, somewhat incautiously, that the electors had had enough electoral campaigns.

The elections themselves were held throughout Italy except in Venezia Giulia and Bolzano Province on June 2nd and 3rd. According to all reliable accounts they passed off without incident. The poll seems to have been particularly heavy and it is expected that abstentions will prove to be low.

The voting procedure seems to have been rather slow at first in the big centres where the electors often had to wait four or five or six hours before their turn came. Nevertheless, despite the long waits there appears to have been no unpleasantness apart from a little mild grumbling. The electors appear to have been duly impressed by the seriousness of the decision that they were taking and discharged their duty with a high sense of political decorum.

As regards the results of the voting, the position as at the time of writing (June 6th) is as follows. Out of 35,318 electoral precincts, the ballots of 34,875 have been scrutinized. This scrutiny shows the following distribution of votes throughout the country:

Christian Democrats	8,049,101
Socialists	4,696,490
Communists	4,294,875
National Democratic Union	1,535,546
Italian Republican Party	998,091
Uomo Qualunque Party	1,201,773
Action Party	334,935
Liberty Bloc	632,536
Democratic Republican Concentration	94,464
Unionist Movement	71,902
Christian Social Party	51,673
Other lists	830,525
TOTAL	22,791,911

It is estimated that 25,000 ballots have still to be scrutinized.

The results of the referendum on the institutional question have not been officially published as they were received at the Ministry of the Interior but have been collated for general publication. This proclamation may take place on Saturday. The unofficial results show a victory for the republic by a plurality of over two million.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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That, Gentlemen, concludes my report."

The Chairman thanked the Brigadier for having presented the report and inquired whether any of the members of the Council wished to make any comment thereon.

(b)

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Declassified E.O. 12356 Section 3.3/NND No. 785045

(b) Discussion

Dr. Smodlaka referred to the new armistice mentioned in Admiral Stone's report and inquired when it would be signed.

Brigadier Lush stated that this depended on the two supplementary agreements to be concluded.

Dr. Smodlaka asked whether these agreements were about to be finished or to be initiated.

Brigadier Lush stated that he thought the Representatives of the United Kingdom and of the United States might know the present status of these contemplated agreements.

Mr. Halford stated that the British agreement had been received but that, he understood, the U.S. agreement was in process of completion.

Mr. Goshie stated that he had no information regarding the status of these negotiations.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances."

The Chairman reported that in accordance with the Council's agreement, reached at the last meeting, copies of the minutes during which the Council had discussed this subject were forwarded to SACMED on June 5, 1946 (copy of transmitting letter is attached). He then inquired whether any of the Representatives wished to make any statement on this subject which had been included on today's agenda at the request of the Soviet Union Representative.

The Soviet Union Representative stated that he felt it would be advisable to leave the item on the agenda because an answer from SACMED to whom the matter had been referred had not yet been received and, besides, no final decision on the question had been taken by the Council.

Mr. Goshie stated that the letter sent to SACMED merely transmitted to SACMED, for his information, copies of the meetings during which the subject was discussed and that a reply to this letter was not expected.

Colonel Savko said that in this case the Advisory Council must make a proper decision regarding this question.

Mr. Goshie stated that the function of the Council was to make recommendations and that it was not up to the Council to take a decision in the premises. He added that the views of the Representatives had been expressed in former meetings but, he thought, that the Council did not reach a common ground on the question.

Colonel Savko expressed the opinion that the item should remain on the agenda.

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Brigadier Luch stated that he thought the Representatives of the United Kingdom and of the United States might know the present status of these contemplated agreements.

Mr. Halford stated that the British agreement had been received but that, he understood, the U.S. agreement was in process of completion.

Mr. Goshie stated that he had no information regarding the status of these negotiations.

2. "Statement of the Soviet Union Representative regarding Discontinuance of Provision of Funds by the Combined Chiefs of Staff to the Soviet Delegation and Reimbursement for past Advances."

The Chairman reported that in accordance with the Council's agreement, reached at the last meeting, copies of the minutes during which the Council had discussed this subject were forwarded to SACMED on June 5, 1946 (copy of transmitting letter is attached). He then inquired whether any of the Representatives wished to make any statement on this subject which had been included on today's agenda at the request of the Soviet Union Representative.

The Soviet Union Representative stated that he felt it would be advisable to leave the item on the agenda because an answer from SACMED to whom the matter had been referred had not yet been received and, besides, no final decision on the question had been taken by the Council.

Mr. Goshie stated that the letter sent to SACMED merely transmitted to SACMED, for his information, copies of the meetings during which the subject was discussed and that a reply to this letter was not expected.

Colonel Savko said that in this case the Advisory Council must make a proper decision regarding this question.

Mr. Goshie stated that the function of the Council was to make recommendations and that it was not up to the Council to take a decision in the premises. He added that the views of the Representatives had been expressed in former meetings but, he thought, that the Council did not reach a common ground on the question.

Colonel Savko expressed the opinion that the item should remain on the agenda.

Dr. Smodlaka was of the same opinion and said that some of the Governments represented on the Council might change their views.

Mr.

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Mr. Halford stated that he had nothing to add to Sir Noel Charles' earlier statements and that the views of the various governments were already well known to the Council. A decision could only be reached therefore at Government level.

Mr. Exintaris stated that for the time being he too had nothing to add to his former statements.

Mr. Goshie noted that as he understood the problem, there were two basic questions: 1) the discontinuance of lire advances and 2) the reimbursement of past advances. The Chairman summarized the positions of the various Delegations as follows: the position of the United States Delegation, as indicated in its statement submitted during the 50th meeting of the Council, was that it is willing to support a request to SACMED recommending that limited advances to the Advisory Council be authorized for the disbursement of administrative expenses common to the Council. The British Delegation expressed support of this position. The French Delegation has stated that it considered its interests too small in this connection and that therefore it did not wish to have its point of view taken into consideration. The views of the Soviet Union and the Jugoslav Delegations are that they do not wish to make reimbursement of past advances and that they desire further advances.

The Chairman ascertained that it was the desire of the Council to leave the item on the agenda for the time being.

3. "Restitution by the Italian Government of Jugoslav Property taken by Italian Fascist Authorities, included the Jugoslav Sunken Ships, which should be salved and repaired at the Expenses of the Italian Government."

The Chairman reported that in accordance with the Council's agreement reached at the last meeting a letter had been sent to SACMED (copy of letter attached hereto) and that a reply thereto had been received from AFHQ (copy of reply attached). He then inquired whether any of the Representatives had received instructions on the subject.

Dr. Smodlaka said that he would like to make another statement regarding this subject:

"1. I have the honour to state on behalf of the Government of the Federal People's Republic of Jugoslavia that my Government did not include in their claim for reparations the objects whose restitution is being requested. This is one more reason that the salvage and repair of the ships should be included in the Italian restitutions. The Jugoslav Government insist on their request that orders be issued to the Italian Government by the Allied Military Authorities to restitute all objects taken away from Jugoslavia as well as to salve and repair on their expense all ships. Only in exceptional cases, if the Italian Government would not have the material possibility to comply with certain claims for restitutions, the Jugoslav Government retain their right to claim that each singular object be paid for, apart from the general account of the

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This point of view of the Jugoslav Government has already been communicated to the Governments of the United States, Soviet Union, United Kingdom and France through diplomatic channels.

2. I am afraid I am quite unable to agree with Maj.Gen.M.W.M. MacLeod's interpretation of the Armistice Terms. Furthermore, I

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have to point out that Sir Neel Charles as Chairman in turn of rotation had requested in name of the Advisory Council for Italy from SACMED a report on the facts of the case, whereas Maj.Gen. MacLeod who replied to it, did not present a report on the facts, but merely a report on my statement of 10 May. It is therefore considered necessary that a report from SAC be requested again by A.C.I. (as stated below, para 5 of this statement).

3. The assertion of Maj.Gen.MacLeod that "the Armistice Terms contain no provisions for the restoration of plundered property" is without foundation. Beside, the special disposition of the Art. 15, according to which Italy is bound to restitute the ships, a general measure is explicitly foreseen in the Art. 33A for all objects, without discrimination, that "the Italian Government will comply with such directions as the United Nations may prescribe regarding restitution ....". Consequently, it is clear that the United Nations are entitled to obtain the restitution of the plundered property just on basis of the Armistice.

According to the Protocol of 9 November 1945 ("Additional Conditions of the Armistice") the armistice was concluded by the United States and the United Kingdom Governments acting in the interest of all the United Nations" and "on behalf of the United Nations". The Federal People's Republic of Jugoslavia is a member of the United Nations, and she also had given her previous written agreement that the Armistice may be concluded in her name too. So the Armistice was concluded also in the name and interest of Jugoslavia who is fully entitled to demand on basis of Art 15 and 33 A of the Armistice that the Allied Authorities, who are supervising the accomplishment of the Armistice, enforce the restitution of the Jugoslav plundered property by the Italian Government.

The non-accomplishment of this claim would - in contradiction to the Armistice - mean the same as giving permission to Italy who was an Axis State and enemy until yesterday, to continue her using the property plundered from Jugoslavia by the Italian Fascist Invaders. This would be the greatest injustice toward Jugoslavia who is an Allied Nation and the main victim of the Italian aggression and whose sacrifices for the victory of the United nations in the war against Nazi-Fascism were so great.

4. As ships are concerned, the Government of the Federal People's Republic of Jugoslavia has the full right to claim from the Italian Government not only their restitution but also the salvage and repair of the sunken ships, because the Italian Authorities who had taken Jugoslav ships and used them for their purposes during the war time are responsible for the sinking of these ships. Besides that, the restitution of sunken ships, to which we are entitled anyhow, cannot be performed without previous salvage and repair. The Italian Government is also obliged by Art. 15 of the Armistice to repair at their expense all ships claimed whether they be floating or sunk, because Art. 15 of the Armistice states explicitly that "United Nations merchant ships, fishing and other craft in Italian hands wherever they may be ..."

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without foundation. Beside, the special disposition of the Art. 15, according to which Italy is bound to restitute the ships, a general measure is explicitly foreseen in the Art. 334 for all objects, without discrimination, that "the Italian Government will comply with such directions as the United Nations may prescribe regarding restitution ....". Consequently, it is clear that the United Nations are entitled to obtain the restitution of the plundered property just on basis of the Armistice.

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5. I enclose to this statement, as a part of the same, a copy of my letter of 5 June 1946 written to the Chief Commissioner A.C. Rear Admiral E.W. Stone, where all objects, whose restitution we requested up to day, are quoted with the most important details and reference numbers. In this letter is clearly shown too which ships of ours are still used by Italy at present in spite of the fact that Italy was bound to restitute them according to Art. 15 of the Armistice.

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I suggest that the Council ask SACMED for a report on the facts of every case presented therein.

Since the Jugoslav Delegation has clearly requested the restitutions from the Italian Government through the Allied Commission and the Italian Government did not restitute the objects taken away, it is obvious that the Italian Government did not comply with the Armistice Terms toward Jugoslavia.

6. In order to clarify the points of view of the Allied Authorities in connection with the question of restitutions, I take the liberty to quote here the Communique of the Italian Ministero dell'Industria of 22 May 1946 as it was published by the News agency ANSA:

"PER IL RICUPERO DEGLI IMPIANTI INDUSTRIALI ASPORTATI.
Roma, 22 - Il Ministero dell'Industria comunica: "Da tempo il Governo italiano si è vivamente interessato presso le autorità alleate per ottenere il ricupero degli impianti e macchinari industriali asportati dai tedeschi e trasferiti oltre frontiera dal settembre 1943. L'interessamento del Governo ha già ottenuto notevoli risultati data comprensione dimostrata dal Governo degli Stati Uniti che, in attesa di accordi con le altre potenze occupanti la Germania e l'Austria, ha già dato istruzioni di predisporre un programma di restituzione dei beni industriali ed ha invitato il nostro Governo a sottoporgli le liste relative al fine di individuare il materiale stesso. Vi è motivo di sperare che analoghe disposizioni potranno essere adottate dal Governo inglese. Tenuto presente quanto sopra, il Ministero dell'Industria ha deciso di raccogliere tutti i dati opportuni. Le ditte interessate sono pregate quindi di ritirare con la massima urgenza presso le Unioni Industriali, i moduli predisposti e ritornarli compilati o al predetto Ministero o all'Ufficio Recuperi Impianti Asportati in Germania (U.R.I.A.G.) appositamente costituito in Roma via Gaeta 3 ...."

If the assertions of this Communique are correct and if the Allies are taking steps to restitute to Italy the property taken away by the Germans notwithstanding that Italy has not the right to demand it on basis of any Agreement, then the statement of Maj. Gen. MacLeod that "the United Nations have given no direction to the Italian Government relevant to the matter under discussion", i.e. restitution by the Italian Government of property claimed by Jugoslavia, appears astonishing. I cannot believe that the Allies might refuse their assistance as regards restitutions to their Ally Jugoslavia who is entitled by the Armistice to her claims, if at the same time and in the identical question they are ready to support Italy, their enemy up to yesterday, and who has no juridical basis for her claims.

Therefore, if the Allied Military Authorities did not take any steps as yet in order to enforce the restitution by Italy of the Jugoslav

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Therefore, if the Allied Military Authorities did not take any steps as yet in order to enforce the restitution by Italy of the Jugoslav plundered property, I must presume that the reason for it was the mistake and lack of information of the subaltern organs. The correctness of this my conclusion appears to be confirmed also in the statement of Maj.Gen. MacLeod that "ships within the terms of the Liberated Ships Agreements should be returned. The Allied Commission will be asked to report upon the position with regard to the ships mentioned".

7. Since the Italian Government has no right to use any longer the property plundered in Jugoslavia by the Italian Fascist Invaders

and

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and since Jugoslavia is entitled to obtain the restitution of her property on basis of the Armistice - I, on behalf of the Jugoslav Government and most energetically

(A) protest again against the non-accomplishment of the Terms of the Armistice by the Italian Government toward Jugoslavia since they did not restitute the property plundered from Jugoslavia;

(B) propose that the Advisory Council for Italy may recommend to the Supreme Allied Commander to take necessary steps in order to bid the Italian Government to restitute all property claimed by the Federal People's Republic of Jugoslavia and specially the Jugoslav sunken ships, which should be salved and repaired immediately and on expenses of the Italian Government.

8. As the ships and other plundered property are urgently needed for the reconstruction of our Country destroyed by Fascists I request that the next meeting be held in 14 days in case that a favorable solution of the subject cannot be obtained during the present meeting.

Pov. br. 608/46 5 June 1946

Dear Admiral,

Enclosed find please the lists of vessels and other property plundered in Jugoslavia by the Italian Fascist Occupants, the restitution of which had already been requested through the Allied Commission. The enclosed lists contain short descriptions of objects and the most important details as well as the references of our requests and the replies of the Allied Commission where available.

Some ships, requested by us at earlier dates, but whose location at the present time is rather queery, are not contained in the submitted list. We nevertheless retain our right to solicit their restitution again later on.

Furthermore I would like to emphasize that only a part of vessels and a very restricted number of other plundered property has been requested by us as yet, and we shall continue to submit our further applications as soon as we shall receive them from the Jugoslav Government.

I am applying to you on behalf of the Government of the Federal People's Republic of Jugoslavia that instructions may be issued to the officials of the Allied Commission in order that necessary steps be taken for enforcing the compliance of the requests for restitutions contained in our lists, considering that Jugoslavia is entitled to it according to the Armistice Terms.

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(B) propose that the Advisory Council for Italy may recommend to the Supreme Allied Commander to take necessary steps in order to bid the Italian Government to restitute all property claimed by the Federal People's Republic of Jugoslavia and specially the Jugoslav sunken ships, which should be salved and repaired immediately and on expenses of the Italian Government.

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Believe me, dear Admiral,

Very truly yours

Encl.

(Signed) Dr. Sloven J. Smodlaka
Acting Representative of Jugoslavia
Advisory Council for Italy

Rear Admiral Ellery W. Stone,
Chief Commissioner
Allied Commission

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LIST OF JUGOSLAV VESSELS, TAKEN BY ITALIANS, WHOSE RESTITUTION WAS REQUESTED THROUGH ALLIED COMMISSION

A) SUNKEN SHIPS

1. S/S JURAJ SUBIC, Gross Tonnage 105,37; Nett 52,57, Registered at the Port of Split. Name was changed by the Italians in SALE. Sunk in Civitavecchia. Requested through A.C. Ref. Br.224/46 of 16 Feb. 46, and 766/46 of 4 June 1946.

2. S/S JUGOSLAVIJA, Gross Tonnage 1275, owner "Jadranska Plovidba d." Susak; sunk at Leghorn. Requested through A.C.: Ref.Br.1554 of 13 Nov. 1945; Br.225/46 of 16 February 1946; Br.412/46 of 4 April 1946. Replies of A.C. N.S.C.: Ref.NSC/4875 of 9 April 1946; NSC/4901 of 12 April 1946 (both dealing with the delay of measures for blowing up the vessel) and NSC/4874 of 9 April 1946 (negative reply regarding the salvage and repair of the ship).

3. Yacht TIHA Gross Tonnage 466; owner "Jugoslavenski Lloyd", sunk in Leghorn. Requested through A.C.: Ref. Br.225/46 of 16 Feb. 1946, Br. 1554 of 13 Nov. 1945; Br. 412/46 of 4 April 1946. Replies of A.C. N.S.C. (same as for JUGOSLAVIA)

4. S/S SOCA Gross Tonnage 545; owner "Jadranska Plovidbad.d. Susak", sunk in Venice (La Marittima). Requested through A.C.:Ref. Br. 1554 of 13 Nov. 1945 and 225/46 of 16 February 1946 and Br. 765/46 of 4 June 1946. Reply of A.C. N.S.C.: NSC/4874 of 9 April 1946 (negative).

5. S/S SARAJEVO Gross Tonnage 479; owner "Jadranska Plovidbad.d. Susak"; sunk near Messina, on 14.8.43. Requested through A.C.:Ref. Br.1554 of 13 Nov. 1945, Br. 225/46 of 16 February 1946 and 765/46 of 4 June 1946. Reply of A.C.: Same as N°4.

6. S/S TOPOLA Gross Tonnage 254; owner "Jadranska Plovidba d.d. Susak"; sunk near Messina on 14.8.43. Requested through A.C.:Ref. same as N° 4 and 5. Reply of A.C.: Same as N° 4 and 5.

7. S/S DUBROVNIK Gross Tonnage 1036, owner "Dubrovacka Plovidba d.d. Dubrovnik"; sunk at Chioggia near Venice on 11.9.43. Requested: Same as N° 4-6. Reply of A.C.: Same as N°4-6.

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8. S/S DRAVA (GIOVANNI INGRAO), Gross Tonnage 198. Sunk at Pianosa (Portoferraio) on 30 January 1944. Requested through A.C.

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Requested through A.C. Ref. Br.224/46 of 16 Feb. 46, and 766/46 of 4 June 1946.

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8. S/S DRAVA (GIOVANNI INGRAO), Gross Tonnage 198. Sunk at Pianosa (Portoferraio) on 30 January 1944. Requested through A.C. N.S.C.:Ref. 768/46 of 4 June 1946.

9. S/S UNA — Gross Tonnage 198; sunk on 11th Oct. 1942 South of Capri. Requested: Same as N° 8.

10. Schooner ALDA — Gross Tonnage 88; Sunk at Porto S. Sebastiano after 8th Sept. 1943. Requested: Same as above N° 8-9.

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B) OTHER VESSELS

11. S/S UCKA (Monte Maggiore), Gross Tonnage 142; owner "Jadranska Plovidba d.d. Susak"; actually located in the Port of Civitavecchia, damaged, floating. Requested through A.C. N.S.C.: Ref.Br.1551 of 13 Nov. 1945. Reply of A.C.: Ref. NSC/4280 of 18 Dec. 1945 (negative). Requested again on 4 June 1946, ref. Br.769/46.

12. M/S BUDIMIR — Gross Tonnage 8, DW 20 Tons; owner Pazanin Jerko; motor Diesel Deuz 25 HP. The Schooner is actually used by the Italian PUZZONI Ernesto, Rimini, Via Sinistra del Porto, who has declared that he was ready to hand it over as soon as he will receive orders to do so. The name was changed to GALLO. Requested through A.C. N.S.C.:Ref.Br.226/46 of 16 Feb. 1946 and Br. 775/46 of 5 June 1946. No reply received.

13. M/V VILA (NINFA) — Gross Tonnage 40; taken by the Italians on 8 Sept. 1943; owner Franic Antun & C°, Kastel Luksic (Split); Actually the vessel is located in Venice (basis of the Arsenal), whereas its motor MAN 60 HP is used in a private Italian workshop. Requested through A.C. N.S.C.: Ref.Br.590/46 of 4 May 1946 and Br. 627/46 of 14 May 1946. No reply.

14. Trawler Br.2 (ARBE), constructed in Vienna in 1902 by Schimmelbusch. Steam engine 100 HP indicated dimensions 23 x 7 x 3. Taken by the Italians in April 41 from Rab. In May 1945 was in Grado and is still used by the Italian Servizio Escavazioni Porti Marittimi, Sezione Autonoma di Venezia, Ministero dei Lavori Pubblici. Requested through A.C. N.S.C.:Ref.Br.227/46 of 16 Feb. 1946 and Br. 442/46 of 8 April 1946. Reply of A.C.:NSC/4954 of 27 April 1946 (negative as regards the cost of the repair). Requested again on 5 June 1946 Ref. Br.789/46.

15. Trawler Br.4 (JUNO), constructed in 1931 at Treviso. Dimensions 34 x 7,3 x 2,8; seam engine Yarrow; 137,8 m^2 heating surface. It is supposed that the Italians made the vessel longer for some meters. It was taken by the Italians in June 1943 to Venice. Ing. Somma, Director of the Servizio Autonomo Escavazioni Porti, Venice, confirmed after the end of the war that the trawler was Jugoslav property. Requested through A.C. N.S.C.: Ref.Br.228/46 of 16.2.46; Br. 443/46 of 9.4.46 and 5 June 1946, Br. 789/46. No reply.

16. Tugboat BOJANA (ZARA), Gross Tonnage 42 (nett 10), dimensions 22,7 x

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again on 4 June 1946, ref. Br.769/46.

12. M/S BUDIMIR — Gross Tonnage 8, DW 20 Tons; owner Pazanin Jerko; motor Diesel Deuz 25 HP. The Schooner is actually used by the Italian PUZZONI Ernesto, Rimini, Via Sinistra del Porto, who has declared that he was ready to hand it over as soon as he will receive orders to do so. The name was changed to GALLO. Requested through A.C. N.S.C.:Ref.Br.226/46 of 16 Feb. 1946 and Br. 775/46 of 5 June 1946. No reply received.

13. M/V VILA (NINFA) — Gross Tonnage 40; taken by the Italians on 8 Sept. 1943; owner Franic Antun & C°, Kastel Luksic (Split); Actually the vessel is located in Venice (basis of the Arsenal), whereas its motor MAN 60 HP is used in a private Italian workshop. Requested through A.C. N.S.C.: Ref.Br.590/46 of 4 May 1946 and Br. 627/46 of 14 May 1946. No reply.

14. Trawler Br.2 (ARBE), constructed in Vienna in 1902 by Schimmelbusch. Steam engine 100 HP indicated dimensions 23 x 7 x 3. Taken by the Italians in April 41 from Rab. In May 1945 was in Grado and is still used by the Italian Servizio Escavazioni Porti Marittimi, Sezione Autonoma di Venezia, Ministero dei Lavori Pubblici. Requested through A.C. N.S.C.:Ref.Br.227/46 of 16 Feb. 1946 and Br. 442/46 of 8 April 1946. Reply of A.C.:NSC/4954 of 27 April 1946 (negative as regards the cost of the repair). Requested again on 5 June 1946 Ref. Br.789/46.

15. Trawler Br.4 (JUNO), constructed in 1931 at Trevise. Dimensions 34 x 7,3 x 2,8; seam engine Yarrow; 137,8 m^2 heating surface. It is supposed that the Italians made the vessel longer for some meters. It was taken by the Italians in June 1943 to Venice. Ing. Somma, Director of the Servizio Autonomo Escavazioni Porti, Venice, confirmed after the end of the war that the trawler was Jugoslav property. Requested through A.C. N.S.C.: Ref.Br.228/46 of 16.2.46; Br. 443/46 of 9.4.46 and 5 June 1946, Br. 789/46. No reply.

16. Tugboat BOJANA (ZARA), Gross Tonnage 42 (nett 10), dimensions 22,7 x 3,9 x 2 m. Steam engine: compound vertical, 10 HP nominal, 2 cylinders; boiler:normal cylindric, one stove. The vessel is built in wood. It was taken by the Italians on 28 April 1941 from the Jugoslav island Rab. At present the vessel is used by the Italian Ministero dei Lavori Pubblici, Servizio Escavazioni Porti Marittimi". Requested through A.C. N.S.C.: Ref.Br.444/46 of 9 April 1946 and Br. 789/46 of 5 June 1946. No reply.

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17. Tugboat J.P. 1. Gross Tonnage 17,75, Nett 3,38; owner "Jadranska Plovidba d.d.Susak". Taken by the Italian Ministry of Marine during the Italian Occupation in Jugoslavia. Requested through A.C. N.S.C.:Ref.Br.224/46 of 16 February 1946 and Br. 766/46 of 4 June 1946. No reply.

18. S/S BISTRICA (Teodo), Gross Tonnage 144.88, Nett 78.04, constructed in 1905 by U.M.Martinolic,Losinj Mali. Taken by the Italians on 8 Sept. 1943 at Tivat Jugoslavia. Owner: "Zetska Plovidba a.d.Cetinje". Requested through the Allied Commission N.S.C.:Ref.Br.586/46 of 3 May 1946. No reply.

19. S/S AVALA (PERASTO), Gross Tonnage 163.77, Nett 80.41, constructed in 1902 by Lobnitz & C° Renfrew. Requisitioned by the Italian Ministry of Marine on 24 Nov. 1941. Before the capitulation of Italy it was used as a coaster in Greece by Gastaldi & Co, Genoa. Requested through A.C. N.S.C.: Ref.Br.586/46 of 3 May 1946. No reply.

20. S/S ZRMANJA (ISTO), Gross Tonnage 100.11; Regt.Port Sibenik. Taken by the Italians during the occupation. Requested through A.C. N.S.C.:Ref.Br.224/46 of 16 Feb.1946 and Br.766/46 of 4 June 1946. No reply.

21. M/V USPOMENA (RICORDO) DW 100 Tons; dimensions:19 x 5,85 x 1.80 m. constructed in 1942 in Sibenik;engine:Diesel MAN 100 HP; owner:Travica Dragutin, Port of Regt.Mrljane. The ship was taken by the Italians on 10 Sept. 1943 from Rijeka to Ravenna. Requested through A.C. N.S.C.: Ref.Br.733/46 of 1 June 1946.

22. M/V ISTOK II, Gross Tonnage 65,DW 150,Nett 47;dimensions:19.60 x 5.65 x 2.82 m. Constructed at Palestrini, reconstructed at Trogir in 1920;engine:Linz 36 HP;owner: Blagajic Berislav;Port of Regt.Rogac. The ship was taken by the Italian Army in 1943; captured by the Germans on the way to Ancona, it was used later as a patrol boat around Pola. Requested through A.C. N.S.C.:Ref.Br.733/46 of 1 June 1946.

23. M/V VILA Gross Tonnage 100,DW 180,Nett 70;engine Semi Diesel 50 HP; Owner:Kozulic Dinko. Port of Regt.Ist. The ship was taken by the Italians in 1943 to Venice and according to some informations it is actually in Italian service at Ancona. Requested: Same as N° 22.

24. M/V MIRAMAR Gross Tonnage 16,5,DW 40,Nett 10;dimensions: 1650 x

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1905 by S.M.Martinolic,Losinj Mali. Taken by the Italians on 8 Sept. 1943 at Tivat Jugoslavia. Owner: "Zetska Plovidba a.d.Cetinje". Requested through the Allied Commission N.S.C.:Ref.Br.586/46 of 3 May 1946. No reply.

19. S/S AVALA (PERASTO), Gross Tonnage 163.77, Nett 80.41, constructed in 1902 by Lobnitz & C° Renfrew. Requisitioned by the Italian Ministry of Marine on 24 Nov. 1941. Before the capitulation of Italy it was used as a coaster in Greece by Gastaldi & Co, Genoa. Requested through A.C. N.S.C.: Ref.Br.586/46 of 3 May 1946. No reply.

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23. M/V VILA Gross Tonnage 100,DW 180,Nett 70;engine Semi Diesel 50 HP; Owner:Kozulic Dinko. Port of Regt.Ist. The ship was taken by the Italians in 1943 to Venice and according to some informations it is actually in Italian service at Ancona. Requested: Same as N° 22.

24. M/V MIRAMAR Gross Tonnage 16,5,DW 40,Nett 10;dimensions: 1650 x 3.55 x 1.85 m.; engine Diesel MAN 75 HP; constructed in 1919 at Losinj Mali;owner: Bonacic Proti Ivan; Port of Regt.Milna. The ship was taken by Italian soldiers on 11 Sept.1943 from Split to Porto Gabice a Mare near Fano. Requested: Same as N°22,23.

25. M/V MARJAN Gross Tonnage 65.02,DW 120,Nett 36.43;dimensions: 23.25 x 5.60 x 2.34; constructed in 1939;engine: Diesel MAN 100 HP; owner:Vela Ivan;Port of Regt. Podgora. The ship was taken by the Germans from Split on 20 Oct.1944 and employed later by them between Ancona and Trieste. Requested: Same as N° 22 - 24.

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26. Custom Patrol Boats MB 32 and MB 38, engine 6 cylinders;make Gurtner. Taken by the Italian Occupant Authorities in Jugoslavia. At present the ships are anchored at Bari, Porto Vecchio, one has got the crew on it, the other one is empty. The sailors confirmed that the ships were "navi slave". They are used by the Regia Guardia di Finanza. Requested through A.C. N.S.C.: Ref.Br.767/46 of 4 June 1946.

27. Jugoslav custom ships taken by the Italian Occupant Authorities from Jugoslavia during the war:
(a) M/S MILOS OBILIC,KRALJEVIC MARKO,BENJAMIN IVO,JUG BOGDAN,VUK MANDSIC,NEMANI JUNIK;
(b) 10 Motor Boats:A,B,C,D,E,F,G,H,K,L.
(c) 15 Motor Boats:3,4,7,9,11,12,13,14,15,16,17,19,23;
(d) Motor Boats MC 21,MC 22,MC 24,ZMAJ;
(e) 51 Patrol Boats:P.C.1 - 26,28 - 51, 55 - 57.
(f) 16 Coastal Boats: C.C. 1-8, 10-13, 18,19,23,27.
(g) 2 Diesel-flinder spare engines and a lot of spare parts and various materials from the Custom Warehouse in Split. Requested:Br.767/46 of 4 June 1946.

JUGOSLAV PROPERTY PLUNDERED BY ITALIANS, WHOSE RESTITUTION WAS REQUESTED THROUGH ALLIED COMMISSION

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1. 9 Machines taken from the Tobacco Factory in Ljubljana, 6 of which were transferred to Bologna in 1941 and 3 to Perugia in 1943. Restitution requested through A.C.:Ref.Pov.br.1132/45 of 18 August 1945. Reply:Ref AC/5622/IND of 8 Feb.1946 (negative) Requested again our Ref.Br.776/46 of 5 June 1946.

2. Machines and tools for the building industry taken from Slovenia by the Italian firm S.A.I.S.T.,ing.Trifiletti, Milan in April 1942 (3 Stone Mills, 2 Compressors "Ingersoll-Rand"for two hammers, 2 Road Rollers, type "MAYBIH" of 9 tons, 2 trucks 5 tons, different tools). Requested through A.C.:Ref.Br.1519 of 5 Nov.1945. and Br.778/46 of 5 June 1946. No reply.

3. 13 Mail Waggons of the Jugoslav Railway. Requested through A.C.:Ref. Pov.br.608/45 of 15 May 1945. Reply Ref. 333/6/TN 4 (Economic Section A.C.)-Negative. Requested again:Ref.Br.779/46 of 5 June 1946.

4. Engines and materials of the factory ROMSA (Raffinerie Olii Minerali S.A.) from Rijeka (Fiume); Engines type Edeleanu transferred to Moggio Udinese by orders of the German Authorities. Parts of new Pipesile, sent by Breda, in Venice. Requested through A.C.:Ref.Br.1263 of 4 Sept.1945, br.1414 of 14 Oct.1945, br. 1510 of 4 Nov.1945 and 780/46 of 5 June 1946. No reply.

5. Property plundered by the Italian Brigadiere of the Carabinieri Albanesi

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27. Jugoslav custom ships taken by the Italian Occupant Authorities from Jugoslavia during the war:
(a) M/B MILOS OBILIC, KRALJEVIC MARKO, STEVANEN IVO, JUG BOGDAN, VUK MANDUSIC, NEZNANI JUNAK;
(b) 10 Motor Boats: A, B, C, D, E, F, G, H, K, L.
(c) 15 Motor Boats: 3, 4, 7, 9, 11, 12, 13, 14, 15, 16, 17, 19, 23;
(d) Motor Boats MC 21, MC 22, MC 24, ZRAK;
(e) 51 Patrol Boats: P.C.1 - 26, 28 - 51, 55 - 57.
(f) 16 Coastal Boats: C.C. 1-8, 10-13, 18, 19, 23, 27.
(g) 2 Diesel-flinder spare engines and a lot of spare parts and various materials from the Custom Warehouse in Split. Requested: Br.767/46 of 4 June 1946.

JUGOSLAV PROPERTY PLUNDERED BY ITALIANS, WHOSE RESTITUTION WAS REQUESTED THROUGH ALLIED COMMISSION

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1. 9 Machines taken from the Tobacco Factory in Ljubljana, 6 of which were transferred to Bologna in 1941 and 3 to Perugia in 1943. Restitution requested through A.C.: Ref.Pov.br.1132/45 of 18 August 1945. Reply: Ref AC/5022/DD of 8 Feb.1946 (negative) Requested again our Ref.Br.776/46 of 5 June 1946.

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5. Property plundered by the Italian Brigadiere of the Carabinieri Albanesi Lorenzo (living actually in Rome, via Pietralata 487 or at San Martino di Lisciano, prov. Ascoli Piceno) at Izverje (Ljubljana); 1 radio set, 1 harmonium, Porcelain service, 3 gold watches, 1 ring, 1 cigarette box and other silver objects. Owner: R.Fajdiga. Requested through A.C.: Ref. Br. 1578 of 5 Nov.1945 and Br.781/46 of 5 June 1946. No reply.

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Declassified E.O. 12356 Section 3.3/NND No. 778545

6. The Jugoslav Insurance C° "Jugoslavija", insurance contracts, belonging to the Branches of the C° in Ljubljana & Split, transferred to the Italian"Istituto Nazionale delle Assicurazioni". Requested through A.C.:Ref.782/46 of 5 June 1946.

7. Stamps and Postcards in value of 12 millions Jugoslav pre-war Dinars, sequestered from the Direction of the Postal Administration in Ljubljana and transferred to Rome General Postal Direction. Requested through the A.C.:Ref.Br.783/46 of 5 June 1946.

8. Material for the construction of the Railway Crnomelj-Vrbovsko in total value of 18 millions Jugoslav pre-war Dinars, transferred in various parts of Italy. Requested through A.C.:Ref.Br. 784/46.

9. Jugoslav Bank "Drzavna Hipotekarna Banka" - bonds and other valuable papers sequestered from the Branches of the bank in Zagreb, Banjaluka, Cetinje and Split in total amount of 135,376.494.10 Jugoslav pre-war Dinars, transferred to the Banca d'Italia. Requested through A.C.:Ref Br.785/46 of 5 June 1946.

10. Machine "Grosswucht", property of the dockyard in Split, transferred to Messina in December 1942. Requested through A.C.:Ref.Br.772/46 of 4 June 1946.

11. Archives of the District Court in Kotor (period 1326-1798). Taken by Prof. G.Cencetti, inspector of the Archives in Rome; transferred to Venice on 8 Sept.1943. Requested through A.C.:Ref.Br.623/46 of 13 May 1946.

12. Archives of Sibenik,Trogir,Korcula,Sv.Jakob convent in Dubrovnik, Benedictinian Convent on Lokrum,Zadar,Lastovo (included the Statute of Lastovo in parchment) and Rijeka, transferred in Italy during the Fascist Italian Occupation. Requested through A.C.:Ref.Br.773/46 of 4 June 1946.

13. Objects plundered from the Gallery of Fine Arts in Split: 3 paintings and 1 plaster, taken in April 1943 by Fulvio Vetraino for the Exhibition in Rome. 3 paintings taken by the ex-prefect of Split Paolo Zerbino. Requested: Same as N°12.

14. 2 paintings taken from the church at Lastovo by Gino Clavari, one of Francesco Bissolo and the other of Girolamo di Santa Croce. Requested:Same as N° 12-13.

15. Lots of collections and objects from the Museum in Zadar. Requested: Same as N° 12-14.

16. Picture of the interior of the Court in Dubrovnik, taken by prof.ing. Luigi Crema for the Exhibition in Rome. Restitution requested through A.C.:Ref.Br.1504 of 2 Nov. 1945 and 773/46 of 4 June 1946. No definite reply.

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Requested through the A.C.:Ref.Br.783/46 of 5 June 1946.

8. Material for the construction of the Railway Crnomelj-Vrbovsko in total value of 18 millions Jugoslav pre-war Dinars, transferred in various parts of Italy. Requested through A.C.:Ref.Br. 784/46.

9. Jugoslav Bank "Drzavna Hipotekarna Banka" - bonds and other valuable papers sequestered from the Branches of the bank in Zagreb, Banjaluka, Cetinje and Split in total amount of 135,376.494.10 Jugoslav pre-war Dinars, transferred to the Banca d'Italia. Requested through A.C.:Ref Br.785/46 of 5 June 1946.

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15. Lots of collections and objects from the Museum in Zadar.
Requested: Same as N° 12-14.

16. Picture of the interior of the Court in Dubrovnik, taken by prof.ing. Luigi Crema for the Exhibition in Rome. Restitution requested through A.C.:Ref.Br.1504 of 2 Nov. 1945 and 773/46 of 4 June 1946. No definite reply.

17. Ancient column from the Museum in Split. Taken in 1942 for the tomb monument to T.Gulli,C.C. Italian man-of-war "Puglia". Restitution requested:Ref.773/46 of 4 June 1946.

18. Classical sculpture in marble, representing a head, taken from the Jugoslav State's Museum at Cetinje on 8 June 1943 by capt. Francesco Pitoli and transferred to Rome:Ministero degli Affari Esteri,Ufficio Collegamento con il Governatore del Montenegro (Colonnello Tancredi), Palazzo del Drago, Via 4 Fontane 20. Restitution requested: As N° 17.

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Declassified E.O. 2356 Section 3.3/NND No. 785065

19. Lighthouse equipment: 18 Automatic lights with flash light apparatus Pintsch;21 Crystal glasses;20 Flash lights Pintsch;Paraffin lights with crystals 3;1 Paraffin gas light apparatus;306 Steel bottles for Dissous gas;10 Binoculars Zeiss;50 Stop Watches;30 Manometers;14 Sun valves;16 automatic watches. The objects were transferred in Italy to "Zona fari e Segnalamenti Marittimi" at Taranto, Spezia, Lago di Como and Trieste. Restitution requested through A.C.:Ref.Br.770/46 of 4 June 1946."

Mr. Goshie inquired whether any of the Representatives had received instructions regarding the previous statement of the Jugoslav Representative.

M. Balay made the following statement:

"Le Gouvernement français a pris connaissance avec intérêt de la note remise, le 10 mai, au Conseil Consultatif par la Délégation yougoslave, au sujet de "la restitution par le Gouvernement italien des biens yougoslaves pris par les autorités italiennes fascistes, y compris les navires yougoslaves qui auraient dû être renfloués et réparés aux frais du Gouvernement italien".

Comme le Conseil le sait, le Gouvernement français s'est déjà heurté au problème de la restitution des navires qui avaient été coulés dans les eaux italiennes. Cette question avait en effet pour la France une importance considérable puisqu'il s'agissait d'une quarantaine de navires de haute mer et d'une centaine de bateaux de rivière.

La Délégation Française au Conseil Consultatif pour les Affaires Italiennes s'est adressée aux autorités alliées en invoquant, elle aussi, l'article 15 de la Commission d'armistice. Il lui a été répondu, comme à la Délégation yougoslave, que l'article 15 ne s'appliquait qu'aux navires à flot et qu'il appartenait au Gouvernement français de discuter directement la question avec le Gouvernement italien. Bien qu'à son avis, l'interprétation des autorités alliées fut plus conforme à la lettre qu'à l'esprit de l'article 15,le Gouvernement français décida d'entrer en négociations directes avec le Gouvernement italien, estimant plus utile à son économie d'obtenir immédiatement, au titre de la récupération, un certain tonnage, fût-il inférieur à ses droits, plutôt que de reporter à une date éloignée un règlement total au titre des réparations.

L'accord du 1er juin dernier est le résultat de ces négociations. Le Gouvernement français obtient du Gouvernement italien le renflouement et la remise en état, à très bref délai, de dix navires de haute mer et de toutes les péniches qu'il estimera opportun de remettre en état. En échange de quoi, il cède au Gouvernement italien la propriété d'une trentaine d'épaves et quelques fournitures de produits utiles à l'économie italienne.

La Délégation française n'a pas cessé de tenir la Commission

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Mr. Goshie inquired whether any of the Representatives had received instructions regarding the previous statement of the Jugoslav Representative.

M. Balay made the following statement:

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La Délégation française n'a pas cessé de tenir la Commission Alliée au courant de ces négociations et elle en a reçu un appui efficace.

En vertu des précédents, j'estime qu'en ce qui concerne les navires yougoslaves, retrouvés coulés dans les eaux italiennes :-

1°.-la question doit être traitée, quant au fond, entre les deux Gouvernements intéressés;
2°.- qu'en ce qui concerne la procédure, la Commission Alliée a qualité pour prêter ses bons offices et appuyer la requête yougoslave

auprès

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auprès du Gouvernement italien, et que le Conseil Consultatif est donc fondé à prier la Commission alliée de renouveler ses démarches en vue de donner satisfaction aux revendications du Gouvernement Yougoslave."

Mr. Exintaris stated that although he was without instructions he shared the views expressed by Mr. Balay. As regards the restitution of ships, he referred to the armistice terms and said that these, in fact, do not mention "salvage" in connection with repairs. He was of the opinion, however, that one must not give too narrow a sense to the word "repair". There are, for example, submerged ships whose repairs would perhaps be easier and less expensive than of those which are still afloat. He also stated that he thought that each case should be examined separately. The Yugoslav request was justified in principle. As to the suggestion of the French Delegate, it was not easy to follow the example of the French Delegation as both the Yugoslav and the Greek Delegation had no direct relations with the Italian Government.

Mr. Halford stated that the British Government agreed, in general, with the view expressed by General MacLeod in his letter to Sir Noel Charles of May 22nd, namely, that the ideas of the Allies in regard to Italy had developed since the conclusion of the Armistice and the Allies had come to draw a distinction between current occupation expenses which could properly be charged to the Italian Government under the Armistice and restitution which was regarded as a matter belonging peculiarly to the Peace Treaty. The British Government believed that the Yugoslav Government would be well advised to take up the question of Yugoslav ships in Italian waters direct with the Italian Government. The success of the recent negotiations between the Italian and French Governments on a similar question gave reason to hope that the Yugoslav Government might also find satisfaction in the same way.

Colonel Savko stated that the claim of the Jugoslav Delegation for the restitution of their property taken by Italian Fascist Authorities was just and he had been authorized by his Government to express full support to it.

The Chairman made the following statement:

"I have been authorized by my Government to express general concurrence with the position of AFHQ indicated in Major General MacLeod's letter of May 22, 1946 addressed to Sir Noel Charles, in his capacity as Chairman in turn of rotation of the Advisory Council for Italy. With reference to this letter, my Government wishes to point out that provision for the restitution from Italy of looted United Nations property located in Italy is made in Article IX of the revised Armistice with Italy. The United States Government believes that an interim program of restitution by Italy should be implemented immediately at the time the new Armistice becomes effective, especially in view of the possibility that considerable

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He was of the opinion, however, that one must not give too narrow a sense to the word "repair". There are, for example, submerged ships whose repairs would perhaps be easier and less expensive than of those which are still afloat. He also stated that he thought that each case should be examined separately. The Yugoslav request was justified in principle. As to the suggestion of the French Delegate, it was not easy to follow the example of the French Delegation as both the Yugoslav and the Greek Delegation had no direct relations with the Italian Government.

Mr. Halford stated that the British Government agreed, in general, with the view expressed by General MacLeod in his letter to Sir Noel Charles of May 22nd, namely, that the ideas of the Allies in regard to Italy had developed since the conclusion of the Armistice and the Allies had come to draw a distinction between current occupation expenses which could properly be charged to the Italian Government under the Armistice and restitution which was regarded as a matter belonging peculiarly to the Peace Treaty. The British Government believed that the Yugoslav Government would be well advised to take up the question of Yugoslav ships in Italian waters direct with the Italian Government. The success of the recent negotiations between the Italian and French Governments on a similar question gave reason to hope that the Yugoslav Government might also find satisfaction in the same way.

Colonel Savko stated that the claim of the Jugoslav Delegation for the restitution of their property taken by Italian Fascist Authorities was just and he had been authorized by his Government to express full support to it.

The Chairman made the following statement:

"I have been authorized by my Government to express general concurrence with the position of AFHQ indicated in Major General MacLeod's letter of May 22, 1946 addressed to Sir Noel Charles, in his capacity as Chairman in turn of rotation of the Advisory Council for Italy. With reference to this letter, my Government wishes to point out that provision for the restitution from Italy of looted United Nations property located in Italy is made in Article IX of the revised Armistice with Italy. The United States Government believes that an interim program of restitution by Italy should be implemented immediately at the time the new Armistice becomes effective, especially in view of the possibility that considerable time may elapse before an Italian peace treaty comes into force. In this connection, it is noted that the U.S. Government is now considering arrangements, which might be proposed, to implement Article IX of the revised Armistice terms. The question of the unsatisfied claims of Jugoslavia and other United Nations for the restitution of looted property currently located in Italy will presumably be handled under arrangements finally agreed upon in the premises."

Mr. Halford expressed concurrence with the statement made by the United States Acting Representative.

M.

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M. Balay, with reference to the Yugoslav statement that certain ships and machinery looted in Yugoslavia were now being utilized by the Italians, remarked that this was indeed improper and that pending a settlement of this question AFHQ could be asked to make further factual investigations of the Yugoslav claims.

Brigadier Lush said that in the Jugoslav letter of June 5, 1946 addressed to Admiral Stone on this subject, many new points were raised and that Jugoslav claims mentioned in this letter had been communicated to the Italian Government and that appropriate instructions had been requested.

Dr. Smodlaka remarked that "he remained by all his assertions and proposals contained in his both statements of May 10th, and today and" he said, "he felt it was necessary for SACMED to give instructions to the Allied Commission to enforce compliance with the Jugoslav request." Dr. Smodlaka suggested besides "that the Council ask SACMED for an investigation of the facts of every case as presented in his letter of June 5, 1946 to Admiral Stone".

The Chairman suggested that pending receipt by all Representatives of further instructions regarding the new Jugoslav statement, the Council could forward a letter to SACMED, asking for an investigation of the facts as presented in the letter of June 5, 1946 from the Jugoslav Delegation to Admiral Stone. He ascertained that all the Representatives on the Council agreed with this proposal.

4. Miscellaneous

The Council had no miscellaneous business to discuss.

5. Press Communique

The Council agreed to release the following press communique:

"The 53rd meeting of the Advisory Council for Italy was held in Rome on June 7, 1946, under the chairmanship of the United States Acting Representative, Mr. John L. Goshie. Other members of the Council present were:

M. Georges Balay	France
M. George Exintaris	Greece
Colonel V. Savko	Soviet Union
Mr. Aubrey S. Halford	United Kingdom
Dr. Sloven Smodlaka	Yugoslavia

1510

A report on current political developments in Italy, by Rear

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to the Italian Government and the appropriate instructions had been requested.

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M. Georges Balay	France
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Colonel V. Savko	Soviet Union
Mr. Aubrey S. Halford	United Kingdom
Dr. Sloven Smodlaka	Yugoslavia

1510

A report on current political developments in Italy, by Rear Admiral Ellery W. Stone, Chief Commissioner of the Allied Commission, was presented to the Council by Brigadier Maurice S. Lush, Executive Commissioner of the Allied Commission".

DATE OF NEXT MEETING

With reference to the request of Dr. Smodlaka that the Council convene within a fortnight, the Chairman suggested adherence to the Council's agreement to hold regular meetings every fourth week, subject to understanding that meetings may be called earlier provided the Council had some urgent business to discuss.

Dr.

(D)

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Dr. Smodlaka said that on instructions from his Government he was obliged to insist on a meeting of the Council within a fortnight.

Colonel Savko supported Dr. Smodlaka's request.

M. Exintaris remarked that the time for the completion of the investigations seemed too short to him and he believed that the Chairman's proposal was more practical.

The Chairman suggested that the next meeting be scheduled for July 5, subject to understanding that if all Representatives had received instructions by June 21, the next meeting be held on June 21. He further suggested that as soon as any of the Representatives received instructions regarding the Jugoslav statement the Secretariat be informed.

The Council accepted the Chairman's suggestion.

3 Annexes:

1) Letter to SACMED dated June 5, 1946;
2) Letter to SACMED dated May 15, 1946.
3) Letter from Major General M.W.M. MacLeod, dated May 22, 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 778506/5

A N N E X #1

TO MINUTES OF 53rd MEETING OF ADVISORY COUNCIL FOR ITALY

Rome,

5th June, 1946.

My dear General,

I have the honour to enclose, for your information, copies of the minutes of meetings of the Advisory Council for Italy, during which the Council discussed statements presented by the Soviet Union and Jugoslav Representatives regarding the CCS directive ordering a discontinuance of AFA lire advances to the Advisory Council for Italy and requesting reimbursement for such past advances.

Yours very sincerely

(signed) Noel Charles
Chairman in turn of rotation
Advisory Council for Italy

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6 enclosures:

Minutes of 47th,48th,49th,50th,
51st and 52nd Meetings of ACI

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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5th June, 1946.

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1808

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Lieutenant General
Sir W. MORGAN, K.C.B.,D.S.O.,M.C.,
SUPREME ALLIED COMMANDER,
Allied Force Headquarters,
Caserta.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

ANNEX #2

TO MINUTES OF 53rd MEETING OF ADVISORY COUNCIL FOR ITALY

Rome,

15th May, 1946.

My dear General

I have the honour to enclose, for your information, a copy of a statement presented by the Yugoslav Representative at the May 10th, 1946, meeting of the Advisory Council for Italy and with reference to this statement to solicit on behalf of the Council a report on the facts of the case presented therein.

With further reference to this statement, the Advisory Council would be grateful if you would take appropriate measures pending the investigation of this matter, to prevent the destruction by the Italian authorities of the Yugoslav sunken ships resting in or about the port of Leghorn, since such destruction, according to the second paragraph of item 6 of the enclosed Yugoslav statement, is imminent.

Yours very sincerely

(signed) Noel Charles
Chairman in turn of rotation
Advisory Council for Italy

1507

Lieutenant General
Sir W. MORGAN, K.C.B.,D.S.O.,M.C.,
SUPREME ALLIED COMMANDER,
Allied Force Headquarters,
Caserta.

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Declassified E.O. 12356 Section 3.3/NND No. 785045

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Advisory Council for Italy

1807

Lieutenant General
Sir W. MORGAN, K.C.B.,D.S.O.,M.C.,
SUPREME ALLIED COMMANDER,
Allied Force Headquarters,
Caserta.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

A N N E X #3

TO MINUTES OF 53rd MEETING OF ADVISORY COUNCIL FOR ITALY

From: Major General M.W.M. MACLEOD

ALLIED FORCE HEADQUARTERS
Office of the Chief of Staff

22nd May, 1946

My dear Sir Noel Charles

I have the honour to acknowledge receipt of your letter of the 15th May, 1946 to General Morgan and in his absence send you as requested a report on the statement presented by the Jugoslav Representative on the Advisory Council. I am afraid I am quite unable to agree with the Jugoslav views as to the interpretation to be placed on the Armistice Terms.

You will I hope realise that as the papers did not reach my working staff until the 20th May, 1946 it has not been possible to make as detailed an investigation into the matter as I would have liked. Further it has not been possible to contact C-in-C Med who is vitally interested. However, in order that you may have something on which to base your discussion, the attached notes have been hastily prepared. If, after your meeting, you feel that any useful purpose will be served by further briefing, I will have the matter investigated further and more fully.

Yours Sincerely

(signed) M.W.M. MacLeod

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His Excellency, Sir Noel Charles, Bt.,KCMG, KG,
Chairman Advisory Council,
c/o Allied Commission,

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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Office of the Chief of Staff

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(signed) M.W.M. MacLeod

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His Excellency, Sir Noel Charles, Bt.,KCMG, KC,
Chairman Advisory Council,
c/o Allied Commission,
ROME.

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Declassified E.O. 12356 Section 3.3/NND No. 785005

COMMENTS ON THE STATEMENT PRESENTED BY THE JUGOSLAV DELEGATION

Relevant Para of Statement.

1. There seems to be confusion of thought as to the functions of Armistice Terms as compared with those of a Peace Treaty. The Armistice Terms were an interim measure concerned with matters of immediate moment for the furtherance of the war effort. They were not intended to and did not make a settlement of claims between parties. That is a matter for the Peace Treaty.

1. 2. By Art 33 of the Armistice Terms the Italian Government undertook to comply with such directions as the United Nations might prescribe regarding restitution. The United Nations have given no direction relevant to the matter under discussion. There has, therefore, been no failure by the Italian Government to comply with any such direction.

3. From its wording it is obvious that Art 15 is intended to apply to usable ships and not to wrecks. It provided for the immediate collection and handing over of ships in Italian hands at the time of the Armistice.

1 & 2. 4. There is a well known distinction in marine law between salvage and repair. The raising of a sunken vessel and its towage to a dock are not repairs. The Jugoslav memorandum introduces the word "salve" which is not mentioned in Art 15 and quite wrongly refers to that Article as an undertaking "to salve and repair" ships. Art 15 contains only an undertaking to repair ships so far as may be necessary to enable the earlier part of Art 15 to be carried out.

2. 5. It is not agreed that the Supreme Allied Commander "is obliged to use his authority whenever requested by any of the United Nations to do so." The Supreme Allied Commander is not a vehicle for enforcing particular national claims, these should be dealt with through diplomatic channels or in the Peace Treaty.

3. 6. The Armistice Terms do not, in general, deal with questions of restitution. If the Armistice Terms have not been complied with, enquiry will be made if particulars of the alleged default are supplied.

4. 7. Ships within the terms of the Liberated Ships Agreements should be returned. The Allied Commission will be asked to report upon the position with regard to

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Peace Treaty. The Armistice Terms were an interim measure concerned with matters of immediate moment for the furtherance of the war effort. They were not intended to and did not make a settlement of claims between parties. That is a matter for the Peace Treaty.

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3. 6. The Armistice Terms do not, in general, deal with questions of restitution. If the Armistice Terms have not been complied with, enquiry will be made if particulars of the alleged default are supplied.

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4. 7. Ships within the terms of the Liberated Ships Agreements should be returned. The Allied Commission will be asked to report upon the position with regard to the ships mentioned.

5. 8. There is no obligation on the Italian Government to salve ships. The ruling as to these ships, (*) which is appended, is based on a direction issued by the Admiralty as agents for the CCS.

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Relevant Para of Statement.

6. 9. The right to blow up a vessel obstructing navigation is well known. Jugoslavia cannot expect these ships to be left indefinitely as an obstruction to navigation. If they are readily salvable she should take urgent steps to remove them, if she unreasonably fails to do so she cannot complain if the obstruction is removed.

Meanwhile action has been stayed.

10. The action of the Allied Commission appears to have been perfectly correct.

7. 11. The right of the Advisory Council to advise the Supreme Allied Commander on the enforcing of the terms of surrender is not questioned but there is no evidence that there has been any failure of the Italian Government to carry out its obligations thereunder.

8 a. 12. The Armistice Terms contain no provision for the restoration of plundered property.

8 b. 13. It is not for this Headquarters to advise on the propriety of passing the proposed resolution.

(*) Appendix A

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Appendix A.

S E C R E T
C O P Y

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 912.23 21 May 1946

SUBJECT: Salvage of Jugoslav Ships.

TO : Headquarters, Allied Commission,
APO 794.

Reference your NSC/4000 of 17 November 1945, and NSC/4242 of 17 December 1945, and NSC/4003 of 27 January 1946.

1. Article 15 of the Armistice Terms refers to repairs and not to salvage. The cost of salvage falls into the category of reparations which is not dealt with in the Armistice Terms, but is a matter for the Peace Treaty.

2. It is confirmed that it is the responsibility of the owners of the vessel or of the Government concerned to arrange for salvage.

3. With regard to finance, in a similar case the French Government was advised to obtain, from the Italian Government, lire to meet their expenses by establishing a blocked franc account. A similar course is available to the Jugoslav Government.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

(s) F.G.A. PARSONS Col.
(t) A.L.HAMBLEN
Brigadier General, GSC
Assistant Chief of Staff, G-5.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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BY COMMAND OF LIEUTENANT GENERAL MORGAN:

(s) F.G.A. PARSONS Col.
(t) A.L.HAMBLEN
Brigadier General, GSC
Assistant Chief of Staff, G-5.

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Declassified E.O. 12356 Section 3.3/NND No. 780065

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Declassified E.O. 12356 Section 3.3/NND No. 785015

116/CC

Q. M. C. Form 35-3 (Old No. 690)
Revised July 25, 1918

LIST OF PAPERS

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ALLIED COMMISSION

VOL. I

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1802

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